



Resisting the sell-out of Sunderban

**Report of an
Investigation Visit
to
Sunderban Biosphere
Reserve**

**PUBLIC
BEAG
EQUATIONS**
May 2004

May 2004

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Cover photos:

1. Sagar Island, Beguakhali Village. The entire stretch is mangrove forests. The sandy part is used by villagers for fish drying and storing.
2. Frasergunj, Lakshmipur Village. The village will be evacuated to make way for the Project.
3. Jharkhali. The entire area is covered with mangroves forests.
4. Sagar Island, Beguakhali. The fisher-folk have raised strong objections to the land being given away to the Project and are taking a defiant stand against it.

Abbreviations used:

SBR	Sunderban Biosphere Reserve
EIA	Environmental Impact Assessment
CRZ	Coastal Regulation Zone Notification, 1991
NFF	National Fishworkers Forum
MoEF	Ministry of Environment & Forests, Govt. of India
PCB	Pollution Control Board, here of the State of West Bengal
CPCB	Central Pollution Control Board
EPA	Environment (Protection) Act, 1986
FCA	Forest (Conservation) Act, 1980
WLPA	Wild Life (Protection) Act, 1972
CZMA	Coastal Zone Management Authority
CZMP	Coastal Zone Management Plan
CPM	Communist Party of India, Marxist
SUCI	Socialist Unity Centre of India
CPI	Communist Party of India
TMC	Trinamool Congress Party

In this report, wherever mentioned, the “Project” means Integrated Sahara Tourism Circuit being proposed as a joint venture between Sahara India Pariwar’s sub-agency the Sahara India Tourism Development Corporation Ltd. and the Govt. of West Bengal.

Sunderban is the local name for all the mangrove forests; it is singular and encompasses all the islands comprising of the Sunderban Biosphere Reserve. Sunderbans is the anglicised version, and has a plural context. We have continued to use the word ‘Sunderban’ in this report as it reflects the name being rooted in the local setting. However, in other places it is used as ‘Sunderbans’ to depict usage in technical context.

Report of an Investigation Visit to Sunderban Biosphere Reserve

I. Background of the Investigation

Identified as a World Heritage Site, the Sunderban Biosphere Reserve is a complex scenario of human habitation impacts, conservation issues, livelihood issues and conflicts between the people and Government authorities. In 2002, fishermen were denied access to traditional fishing grounds on the island of Jambudwip by the Forest Department, resulting in serious conflicts which led to the death of a few. The eviction drive by the Forest Department on the orders of the Supreme Court on one hand and developmental activities of the Government on the other hand result in escalating conflicts. Within this conflict, a Rs.540 crore (Rs. 5400 million or Rs. 5.4 billion) tourism development project is being sanctioned by the W. Bengal Government to the Sahara India group.

“Following the Supreme Court Order of 1996 in T N Godhavarman Vs Union of India and the subsequent May 3, 2002 circular of the Ministry of Environment & Forests directing the State Governments to evict the encroachers who have encroached upon forest lands after 1980, the forest department of the Government of West Bengal has banned the fishing and fish drying activity in and around the island of Jambudwip. Since October 2002, the fishermen engaged in this activity has not been able to approach this island.

The fisher folk, under the leadership of the National Fishworkers’ Forum (NFF), have staged demonstrations and protest meetings demanding restoration of their customary and traditional right to fishing. Following widespread protests, the West Bengal Government had agreed to allow the fishermen to carry on their activities within a limited area on the island and with certain restrictions and conditions. Though the fishermen accepted these conditions, the forest department refused to withdraw the ban imposed.”

**Endangered Livelihood - A Fact Finding Report on the
Transient Fishing Community of Jambudwip**

Sunita Dubey (Environmental Justice Initiative)
Souparna Lahiri (Delhi Forum)
March 17, 2003

Paucity of information and reluctance of the proponent groups to divulge information on the type, quality and availability of land that has been allotted for the Project made it imperative that a field visit be made

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wherein all the information that is required for a comprehensive understanding of Project is obtained. This would include details of land, environment including natural resources, socio-economic conditions, parallel developments including infrastructure development and most importantly on location, type and form of tourism infrastructure that is being planned.

A field visit was made to Sunderban Biosphere Reserve in March 2003 by Syed Liyakhat, EQUATIONS, to ascertain the problems and ground realities of the tourism project to be developed by Sahara India group. Mr. Harekrishna Debnath of National Fishworkers Forum (NFF) facilitated the entire visit. Mr. Nirmal Indu Das, NFF, accompanied and assisted in interactions with local fishermen associations in Sunderban. However, the amount of work pertaining to the investigation that was carried on was limited to the following:

1. Meeting with NFF and other fishing community associations in two of the four identified plots for the Sahara Project, namely Sagar Island and L-Plot.
2. The certainty of the project was established, as at that time it was unclear whether such a project was being planned or not; one of the reasons for undertaking the visit.
3. The discussions were facilitated by NFF representative, Mr. Nirmal Das; the community's perception on the project was assessed. There is resentment for the project because of displacement of about 120 families in L-Plot and denial of access to fishing and related activities on Sagar Island.
4. Sahara group had done a survey of the land and put markers, but the people had wiped out the markings of the survey.

Any form of developmental activity should be viewed in the context of its impacts on the ecological values of Sunderban Biosphere Reserve and its socio-economic aspects. Sahara India Pariwar's plans for developing tourism infrastructure and thus create a tourism circuit in Sunderban may be antithetical to any of these. After the signing of the Memorandum of Understanding between the tourism department and the Sahara India Pariwar, Chief Minister Buddhadeb Bhattacharjee said "the government will provide 750 acres in the Sunderbans for the Rs 750-crore ecotourism project. Sahara will implement the project across Sagar Island, Fraserganj, L-Plot, Kaikhali, Jharkhali and other islands"¹.

Most civil society groups, including environmental NGOs in India and abroad, have been concerned about the proposed tourism development in Sunderban Biosphere Reserve. Communications exchanged via e-mails between these groups eventually resulted in a broad group which discussed matters in detail. At the World Social Forum in Mumbai during January 2004, EQUATIONS had organised series of workshops discussing tourism impacts worldwide. The issue of the proposed tourism project in

¹ "Clearance catch in tourism mega deal", The Telegraph, Calcutta, 30 Oct. 2003

Sunderban Biosphere Reserve was also discussed and the participants, who were also actively communicating on the afore mentioned discussions via e-mail, decided to move the process forward.

Further discussions occurred over e-mail and local meetings organised in Kolkata as a follow up to the WSF. Finally it was decided to carry out an investigation visit to the Sunderban. Dates were negotiated and the Investigation happened during 2nd and 8th March 2004. A Steering Group was formed to undertake the visit and eventually the team that made the Investigation Visit had the following persons representing the Steering Group.

1. Mr. Joy Dasgupta, National University of Juridical Studies, Kolkata
2. Mr. Samir Mehta, Bombay Environment Action Group, Mumbai
3. Mr. Syed Liyakhat and Mr. Paul Gonsalves EQUATIONS, Bangalore

In Kolkata, a lead was given to the Steering Group by Ms. Bonani Kakkar & Mr. Pradip Kakkar, who are part of a NGO called People United for Better Living In Calcutta (PUBLIC) based at Kolkata. They have been following up the project and making their own interventions, apart from having attended the EIA Public Hearing that was organised by the State Government. A meeting was organised with them and they expressed their interest to join the Group on the Investigation Visit. They accompanied the Group on the last leg of the Visit.

II. Acknowledgements

The Steering Group would like to put on record its appreciation and thanks to:

Mr. Harikrishna Debnath, NNF – W. Bengal and his friends who helped us in moving inside Sunderban, especially Dr. Kiran Das PhD and his brothers Mr. Motilal Das, Mr. Charan Das and Mr. Biswajeet from Kakdwip during our travel to Frasergunj, Sagar Island & L-Plot.

Mr. Asit Biswas, Help Tourism, Kolkata, and the team from Bali Island Community-Based Tourism Initiative led by Mr. Bidhan Mondal for providing transportation and accommodation facilities during our travel to Kaikhali & Jharkhali.

III. Calendar of Events

2 March 2004

A. Meeting of the Steering Group

Present: Samir Mehta

Joy Dasgupta

Syed Liyakhat

Pradip Chatterjee

Paul Gonsalves

B. Meeting with Ms. Bonani Kakkar and Mr. Pradip Kakkar, PUBLIC

3 March 2004

A. Visit to Office of the Secretary - Tourism, Writers Building.

B. Visit to Office of the West Bengal State Tourism Development Corporation.

C. Visit to West Bengal Pollution Control Board to discuss the Sahara project.

D. Visit to Office of the Principal Chief Conservator of Forests, West Bengal Forest Department.

4 March 2004

A. Commenced the site visit to Sunderban Biosphere Reserve. At Kakdwip met with the fishing community and learnt their impressions on the proposed Project and its impacts.

B. Visited Frasergunj and had a discussion with villagers at Amravati, Lakshmipur Mouja.

5 March 2004

Field visits made to L-Plot and simultaneously to Sagar Island.

7 March 2004

Field visit made to Kaikhali & Jharkhali.

8 March 2004

Steering Group Meeting held at Kolkata to discuss follow-up work.

IV. An overview of Sunderban Biosphere Reserve

A. Ecological importance & Conservation Value

The Sunderban contains the world's largest region of mangrove forests, with 36 true, 28 associated and seven obligatory mangrove species representing 29 families and 49 genera. Apart from being the only mangrove forest in the world inhabited by the tiger, the Sunderbans contains a rich and unique biota, with a notable number of threatened reptiles (UNEP-WCMC, 1997)². It constitutes about 63% of the total mangrove forest systems of India. The fauna consists of over 163 species of birds, 40 species of mammals, 53 species of reptiles, and it is the habitat of most economic marine and estuarine species of fish, 15 species of prawns, 67 species of crabs and 23 species of other molluscs [UNDP, 2002]³.

Sunderban was recognised as a biosphere reserve and awarded the status of a World Heritage Site in 1997 by UNESCO. Biosphere reserves are multi-purpose protected areas to preserve the genetic diversity in representative eco-systems. The major objectives of biosphere reserves are: (i) to conserve diversity and integrity of plants, animals and micro-organisms; (ii) to promote research on ecological conservation and other environmental aspects and (iii) to provide facilities for education, awareness and training.

The Indian side of Sunderban, covering some 9,630 sq. km. between 21° 31' N and 22° 30' min. N and 88° 10' E and 89° 51' E, is part of the world's largest delta (26,000 sq. km.) formed from sediments deposited by three great rivers, the Ganges, Brahmaputra and Meghna, which converge on the Bengal Basin.

On the Indian side, the forest extends over an area of 4,262 sq. km. of which 2,320 sq. km. is mangrove forest and the rest is water⁴. The main Tiger Reserve Area is about 2585 sq km.⁵.

The Sunderban has been designated as Sunderbans Biosphere Reserve since March 29, 1989. the total area of the Reserve is 9630 sq. km. and is divided into three zones. The core zone is 1692 sq. km. and is a highly protective area and is undisturbed in terms of natural components. This area is included in Project Tiger and is a national park that is spread over 1330 sq. km. The buffer zone covers an area of 2233 sq.

² UNEP World Conservation Monitoring Centre, April 1997,
http://www.wcmc.org.uk/protected_areas/data/wh/sundarba.html

³ UNDP, June 2002. "Status Report on Conservation & Management of Biodiversity of Indian Sunderbans", UNDP, Sunderban Biosphere Reserve, Kolkata.

⁴ UNEP World Conservation Monitoring Centre, April 1997.

⁵ http://www.nationalgeographic.co.in/adven_sunderbanfact.shtml

km. of mangrove forests and it has three wildlife sanctuaries: Sajnekhali - 362 sq. km.; Lothian Island - 38 sq. km. and Haliday Island - 6 sq. km.⁶. The Sunderban National Park (est. 1984) and the Sajnekhali Wildlife Sanctuary (est. 1976) are situated on the eastern side of the Biosphere Reserve, on the Indian side⁷.

As per the Sunderban Biosphere Reserve Project Document No. 10 (1989), the Reserve has the following eco-zones:

- a. Core Zone: The region covering 1700 sq Km area has been declared as a Tiger Reserve. Out of the total area, 1330 sq Km area constitutes the Sunderban National Park. The mangrove forest of this region is well conserved. Matla river in the west, Haribhanga river in the east, Netidhopani and Gosaba rivers in the north are the natural boundaries of the core area.
- b. Manipulation Zone (Forestry): Covering about 2400 sq Km, this zone has been selected for forest development work.
- c. Restoration Zone: covering about 200 sq Km, the area includes degraded forests and saline banks spread over the entire area and degraded mudflats within non-forest areas.
- d. Manipulation Zone (Agriculture): human settlements, agriculture and allied activities are predominant in this zone⁸.

Located between land and sea, the mangroves include several distinct habitats in terrestrial, inter-tidal and aquatic environs such as land areas with mangrove dominated forests, swamps, tidal flats (mud flats and sandy mud flats) and estuarine water bodies like rivers, channels, creeks and backwaters.

Moreover, distinct habitats can be demarcated as tree canopy, higher parts of mangroves, lower parts, forest floors in supra-littoral zone, mud flats, dead trees and stumps, banks of river channels and estuarine waters. These habitats support rich and diverse 'variety and variability' of faunal components along with key faunal species groups [UNDP. 2002]⁹.

The tiger *Panthera tigris* (E) population, estimated at 251 in 1993¹⁰ and about 254 in 1999, having fallen from 263 in 1997¹¹. This makes it the largest habitat of the tiger in a mangrove ecosystem. There has been a marked improvement in the biota, which has ultimately been reflected in a steady rise in the tiger

⁶ UNDP, June 2002.

⁷ <http://www.wii.org>

⁸ Dr. Sen, Sukla. Undated. "Socio economic survey in the fringe villages of Sunderban Reserved Forests – A preparatory phase project on biodiversity conservation". UNDP.

⁹ UNDP, June 2002.

¹⁰ <http://www.wii.org>.

¹¹ UNDP, June 2002.

population. Based on censuses of tracks, data suggest that the tiger population has increased at an annual rate of 7% from 181 in 1976 to 264 in 1983 [UNDP, 2002]¹².

A total of 1434 animal species have been reported so far from the Indian Part of Sunderban (anon, 1995; Mandal and Nandi, 1989; Nandi et al, 1993) from terrestrial, inter-tidal and aquatic environs. List of endangered and rare species of animals of SBR is presented in Table 2.10.4. Amongst the vertebrates, 7 species of mammals, 8 species of birds and 9 species of reptiles are included under Schedule I of Indian Wildlife Protection Act, 1972 while 8 species of mammals and 8 species of reptiles are listed in Schedule II of the above Act. Besides these, 3 species of mammals, viz., barking deer, chital and wild pig represent Schedule III as big game animals while more than 50 families belonging to mammals, birds, reptiles and amphibians are included under Schedule IV of the above-mentioned act as small game animals. It is needed to mention here that Schedule I lists the rare and endangered species, which are totally protected throughout the country, live or dead or part thereof.

Out of 24 Schedule I species occurring in SBR, 14 species of mammals, birds and reptiles are included in Appendix I of the Convention on International Trade in Endangered Species of wild flora and fauna (CITES) while the rest 10 species are included in Appendix II of this convention in order to prevent over-exploitation of these animals through international trade. However, according to National Red Data Book (NRDB) on animals (Anon, 1994), 6 species comprising of 2 species of turtles and 1 species each of crocodiles, monitor lizards, pythons and falcon are considered as endangered animals while most of the other species are either vulnerable or insufficiently known and as per IUCN Red List of Threatened Animals, tiger, Olive Ridley turtle, Batagur and Adjutant storks (included under Schedule IV of IWPA) are referred to as endangered species. Here, the status of these animals are highlighted so that adequate conservation and management measures may be undertaken/adopted to protect/rehabilitate these threatened/endangered species in the Reserve.

In this connection, this is to emphasize here that this Biosphere Reserve is under considerable anthropogenic threat mainly due to increasing human population and their increasing dependency on biotic resources of the Reserve, destruction of mangrove forests, land reclamation and semi-intensive modified - intensive aquaculture. As a result 3 mammalian species, namely, Javan rhinoceros (*Rhinoceros sondaicus*), wild buffalo (*Bubalus bubalus*) and swamp deer (*Cervus duvaucelli*) have become extinct from SBR while barking deer (*Muntiacus muntjak*), which is now found in Haliday Island, is on the verge of extinction from the Reserve. There are also several threatened and endangered animal species in this region other than those mentioned above. Furthermore, it has been often discussed that several commercially

¹² *Ibid.* Ref: Chowdhury, M.K. and Sanyal, P. (1985). Use of electroconvulsive shocks to control tiger predation on human beings in Sundarbans Tiger Reserve. Tigerpaper 12(2): 1-5

important fishes, prawns and crabs are currently under threat of exploitation or will become threatened, unless their exploitation is regulated.

The mangrove ecosystem is very fragile and any interference may lead to extinction of various components and also the ecosystems as a whole. Conversion of agricultural land, renovation of ports and harbours, tourist spots and discharge of pollutants has had several adverse detrimental effects on the normal regeneration and succession processes of mangroves. Wildlife of the mangrove forests also helps in maintaining ecological balance as the plants and animals are directly dependent on each other. The tigers on land and crocodiles in water are the two top consumer groups of animals in this ecosystem. It is absolutely necessary to conserve the Sunderban mangroves in their natural state with the active participation of the community through involvement of the people in decision making processes [UNDP, 2002].¹³

B. Overview of socio-economic aspects

The erstwhile mangrove in the inter-tidal zone, which falls south of imaginary line called Dampier & Hodges line, which has been partly reclaimed for cultivation and agriculture, lies in the northern side of the area. The total mangrove area down the Dampier & Hodges line is 9630 sq. km comprising 102 islands. Out of these, 54 islands are inhabited covering a large population of 3.7 million and are interconnected through tidal rivers, creeks and marshes.

Over six million people live in the Sunderban; 3 million in Bangladesh and 3.5 million in India (UNDP, May 2002)¹⁴. The level of literacy as well as per capital income is much lower in Sunderban than in other parts of West Bengal. Most of the people in the area fall below poverty line.

The major population is poor, where 85% subsist on single crop agriculture. 50% of the farmers are landless. Other occupations include fishing, honey and wood collection from the forests. In absence of any alternative employment, they depend on traditional skills to earn their livelihood and depend largely on forest resources like firewood, timber wood, honey, bee wax, golpata and tend to resort to illegal practices like poaching and felling. The people collect tiger prawn seeds in great numbers causing damage to juvenile stock and mangrove population. There is no restriction to fishing except in Tiger Project area resulting in over-fishing. The innumerable creeks and rivers provide spawning ground for shrimps, crabs and molluscs outside the National Park and Sanctuary areas, the rest of the area are allowed for fishing by

¹³ UNDP, June 2002.

¹⁴ <http://www.un-bd.org/undp/info/pr/20020512.pdf>

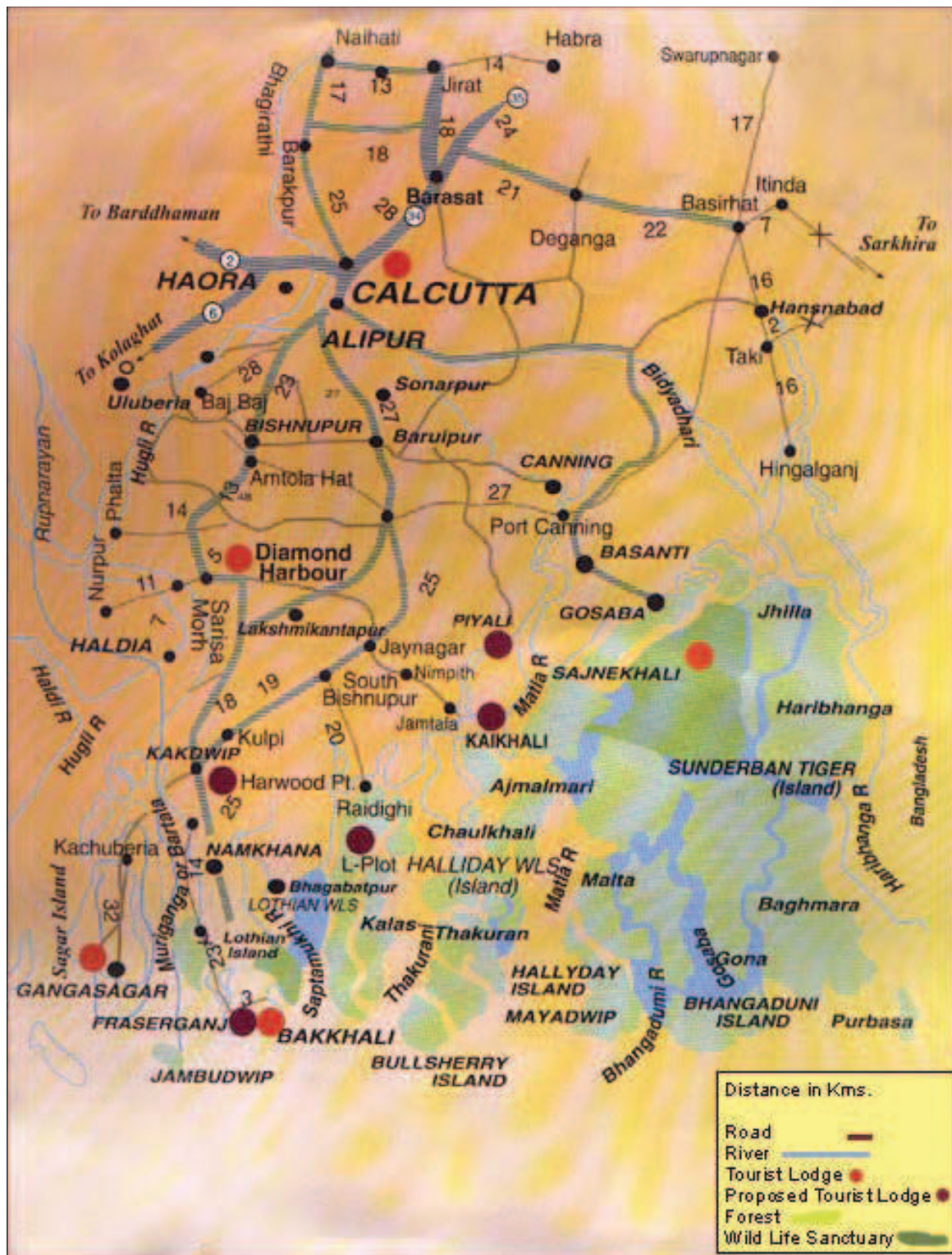
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permit-holders. Prawn fishery has become a very popular trade by regulating the tidal water flow inside low-lying fields and farmland outside the Reserve.

Dire poverty urges the people of Sunderban to frequent the forests in search of livelihood. Some of them take the risk of cyclone for fishing and others enter the forests to collect honey and fuel-wood braving the man-eating tigers and other fierce animals. Recently' tiger prawn mullet collection has assumed menacing proportion and it is playing havoc with the mangrove ecosystem especially estuarine ecosystem. The process is causing virtual elimination of several aqua faunal species. Trespassers in turn take the undue advantage of the human presence in the zone for pilferage of forest produces and poaching of wild animals. Some of these poor people and the trespassers entering forest fall prey to the man-eating tigers every year. That the vulnerable mangrove ecosystem is stress due to such interference is manifested by the restlessness and abnormal behaviour of the animals at times. Occasional forays of the tigers into the neighbouring villages are nothing but the direct consequences of the evils of human interference in the mangrove forests¹⁵.

¹⁵ UNDP, June 2002.

Map of Southern W. Bengal showing various locations and connectivity pattern in Sunderban



Source: http://www.westbengaltourism.com/images/content/maps/pop_up/Sunderban.zip

V. Details of the proposed project

The Integrated Sahara Tourism Circuit project includes locations in Kolkata - Sagar - Frasergunj - L-Plot - Kaikhali – Jharkhali. Please note that the total area that their site says has been allotted to Sahara India for implementing the tourism project is nearly 868 acres. While the Memorandum of Agreement between Sahara India and the Government of West Bengal also states Lower Long Sand Island and it is shown on some of their maps, no details of what is proposed at Lower Long Sand Island is mentioned anywhere.

“The Sunderbans Project is an ambitious project to develop the country's biggest delta in West Bengal into a world-class tourist centre.

The Sahara Group will develop five virgin islands in the 36,000 sq. km. of water area in the Sunderbans Delta in West Bengal as tourist destinations of global standing.

Connecting Kolkata and the Sunderban Delta, with fast and comfortable transportation and state-of-the-art communication facilities, these islands would be set new standards in hospitality and entertainment.

Some of the facilities planned for this Dream Destination are: modern aqua sports, Spa, Health Centre, Club House and Casino. About 75% of the accommodation would be floating Boat Houses and 25% on-shore cottages, stylish huts and fabulous tents.

The exclusive, beautiful virgin beaches of the region would be preserved in their pristine glory. The complex would also have a 30-seater, multi-utility high-speed power craft for a floating clinic, fire fighting and ultra modern security system and small, big ships.”

Source: <http://www.airsahara.net/airsahara/Sunderban.jsp>

The Integrated Sahara Tourism Circuit Project¹⁶:

Princep Ghat:

1. Snack Bar
2. Toilets / Changing rooms
3. Health room
4. Lounge / Transit Accommodation
5. Shopping Centre (Safari kits)
6. Floating Bar & Restaurant
7. Heliport
8. Conference / Library facilities
9. Embarkation Point
10. Floating accommodation: A floatel with...
 - a. Luxury cabins

¹⁶ <http://www.saharaindiapariwar.org> (Mar. 2004); <http://www.saharahousing.com/project/sundarban.htm>
<http://www.saharaindiapariwar.org/forthcom/sunder.htm> (Mar. 2004)

- b. Restaurant
- c. Swimming pool
- d. Dancing floor
- e. Health club
- f. Lounge
- g. Coffee shop
- h. Bar and pub
- i. Club house and casino
 - i. A 60 bedded double hull catamaran
 - ii. Two 60 bedded luxury launches
 - iii. Four 8 bedded mechanised house boats

Sagar (371.31 Acres)

Core Facilities

- 1. Sea – shore tentage village
- 2. Luxury cottages
- 3. Luxury accommodation for 1000 pilgrims
- 4. Cottage and Chalet with 100 bed accommodation
- 5. Meditation centre
- 6. Aqua Sports
- 7. Restaurant Complex & Entertainment centres
- 8. Jetty facility
- 9. Helipad and Air strip
- 10. Medical centre
- 11. Sagar Marine Park / Sagar Marine Interpretation Centre

Fazerganj (215.18 Acres)

Core Facilities

- 1. Multi - ethnic restaurant
- 2. Community hall for traditional art & drama
- 3. Huts and Cottages
- 4. Landing jetty facilities
- 5. Helipad
- 6. Ethnic shopping centre
- 7. Craft museum
- 8. Eco village
- 9. Energy centre

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L-Plot (96.18 Acres)

Core Facilities

1. Luxury accommodation
2. Fish / Vegetables / Shrimp Culture
3. Pottery
4. Restaurant complex
5. Helipad
6. Central V-Sat Communication centre / Radio Telephone Communication facilities and broadband Internet facilities
7. Medical Centre
8. Mini Golf Course with Club House accommodation

Kaikhali (60.38 Acres)

Core Facilities

1. Value-for-money accommodation facilities
2. Jetty facility
3. Huts and Cottages
4. Community centre and Entertainment park
5. Ethnic shopping centre
6. Cultural centre
7. Ayurvedic health centre
8. Helipad
9. Meditation centre

Jharkhali (125 Acres)

Core Facilities

1. Eco Park and Tiger/Crocodile Breeding centre
2. Watch Tower
3. Forest Bungalow (Log Huts)
4. Elevated protected walkway through forest
5. Ecology centre
6. Interpretation centre (Flora)
7. Water Sports / Angling
8. Transit Resorts (Top end Tourists)
9. Facilitation centre for Wildlife visitation (jetty & battery operated boats)
10. Abundance Wildlife Facilities.

VI. Report on findings and observations

A. Debriefing by Ms. Bonani Kakkar & Mr. Pradip Kakkar, PUBLIC on the EIA public hearing on held on 28 Jan '04 at Block Office, Pather Protima.

The Public Hearing notice appeared in the Statesman on 26.12.03 and in Anand Bazaar Patrika on the same date.

Participants: overall, there has been a very poor response from the NGOs based in Kolkata. The Hearing was attended by about 50 people mostly local politicians, consultants and employees of Sahara and a few others. The Hearing was chaired by an Engineer from the Pollution Control Board; the West Bengal Forest Dept. was represented by Mr. Atanu K. Raha, CCF (South) and Director, Sunderbans Biosphere Reserve, and there was no representation by the Department of Tourism.

The EIA Public Hearing began with the local MLA saying that it's a great project. A formal presentation was not made as there was no electricity. A map of the areas was also not put up. The complete EIA document was not there and only the Executive Summary of the EIA document was made available to the audience. Although only the Project was presented, no specifics of the project were told. A local person whose brother works for World Bank said the Sahara project is good and that all islands should have anti-snake venom vaccines. a Calcutta NGO said it's good that Sahara is coming as it will bring in tourism controls.

Presently 50,000-80,000 tourists visit Sunderban. Among other activities, there will be scuba diving around Sagar Island, a mangrove interpretation centre at Sagar and helipads. The Consultants to Sahara, M/s Modular Consultants, Kolkata said there are some problems around Jharkhali regarding the draft EIA.

Responding to specifics of the project, Ms. Bonani said the project will impact on fragile ecosystems within Sunderban Biosphere Reserve and hence it can't be permitted; that there will be lot of pollution from washing boats, hubs, etc. with detergents / solvents etc; lights will disorient turtles, including Olive Ridley turtles. The presentation constantly focussed on the core area and said that high speed boats from Kolkata will go into it. It was pointed out that these boats can't go into core area. It was also mentioned that mangrove plants will be planted at Sagar to which it was responded that this will interfere with sand beaches and turtle nesting sites. On an ambitious note, the project will include creating a breeding centre for tigers; those rescued from circuses will be brought here. To this it was said that it will result in gene-pool pollution.

During the presentation, it was made clear that where Sahara's boats will ply local fishing will not be permitted. They'll be given some other kind of employment like farming of edible species of crabs; farming will be encouraged of seven specific species. Moreover, no prawn farming will be allowed.

Some of the concerns that were raised and to which there was no response from the project proponents, were the question of local people and how will it affect those small tour operators who bring in tourists, as was raised by a retired local MLA; no one else will be allowed and even day tourists will be Sahara's so it's a monopoly; Very minimal effect on locals as they'll be given employment. It was said that the project was 5-star tourism and locals will be gardeners and shoe shine boys.

At the end of the presentation, the Sahara representative said the EIA Report will be made available to PUBLIC for reading but later on changed his mind after returning to Kolkata. Earlier he had said NGOs will be consulted / involved but PUBLIC was not contacted after the Public Hearing.

Comments:

1. Participation was skewed and no adequate representation was there from the local people who will be impacted by the project.
2. It was done mainly in English and partially in Bengali. Only a few copies of the Executive Summary of the EIA were made available in Bengali. The main EIA report was not made available in Bengali. Various Courts in the country have ordered that the public hearing be conducted only after the EIA is made available in the local language. In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was not considered as having been undertaken by the Court till the EIA was provided in Hindi (the local language). In case of Nalgonda, Andhra Pradesh, the complete EIA of this uranium mining project was made available to the public.
3. The Hearing needs to be made in all five locations. In Nalgonda, Andhra Pradesh, the Court ordered another public hearing as the site chosen for the public hearing was too far from the affected villages. Two public hearings were conducted on the same day taking into consideration the accessibility of villagers. In the case of Center for Social Justice vs. Union of India & Ors. (AIR 2001 Gujarat 71) the High Court *inter alia* ordered:
 - a. That the venue of the public hearing should be as near as possible to the site of the proposed project
 - b. The Pollution Control Board shall send a copy of the public notice to the Gram Panchayat of each of the villages likely to be affected by the project to bring it top the notice of the people likely to be affected.

- c. Summary of EIA should be available locally in the local language.
 - d. A copy of the EIA should be made available within one week on payment of reasonable fee, if asked for.
 - e. Minutes of the public hearing shall be furnished within a fortnight on payment of a reasonable fee, if asked for.
 - f. It is up to the Pollution Control Board to decide how many public hearings are required based on facts and circumstances of the case.
 - g. The gist of clearance granted shall be published in the same newspapers in which the public notice was published.
 - h. The Pollution Control Board can charge the project proponents for holding public hearings.
4. The EIA Report says that there may be negative publicity to the project and so West Bengal Pollution Control Board should hold public meetings to assure people
 5. There has been no involvement of Forest and Fisheries Departments
 6. The EIA was to be presented and not the project alone.

Ms. Bonani also added that at an informal meeting the Secretary - Tourism, Mr. R. K. Tripathi had said that the project will go to Delhi only for clearance for the project components proposed at Sagar and Jharkhali. Mr. P. N. Roy, Chairman, EIA Committee for West Bengal has said they need more information on the project as only the Executive Summary of the EIA has been given to them. The full EIA was subsequently provided. It is understood that the Committee cleared the project with reservations and did not approve the Jharkhali site.

B. Visit to Department of Tourism, Govt. of West Bengal

Information collected pertaining to the Project is:

- Infrastructure planning and development will be done by Sahara
- Memorandum of Agreement signed with Sahara on 28-11-03 at Writers building
- Government is only involved in land evaluation and acquisition
- The Project is worth about Rs. 500-600 crores
- Tourism budget prepared for 2004-05 for the Governor's approval.

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Memorandum of Agreement:

The MoA was signed on behalf of Sahara India Tourism Development Corporation Ltd. by Directors Mr. Omkar Prasad Dixit and Mr. Ranoj Dasgupta in the presence of witnesses Mr. Manoj Kumar Keshri and Mr. Gopal Krishna, Managing Director, West Bengal Industrial Development Corporation.

The project shall be called **Integrated Sahara Tourism Circuit**.

The total investment for the development of Sunderban is Rs. 540 crores and this will be invested only by Sahara India Pariwar's agency: Sahara India Tourism Development Corporation Ltd., located at Sahara India Sadan, 2A Shakespeare Saranu, Kolkata 700 071. In the proposed Joint Venture company there will be 7 Directors; 6 persons of Sahara and 1 person from West Bengal Tourism Development Corporation. The MoA explicitly states that no new agency will be permitted to do something similar without permission of the West Bengal Government. The 2nd Phase of the project will be Teesta Valley tourist facilities.

While the MoA said a Rapid EIA would be done, a comprehensive EIA was actually done and submitted by the project proponents to the State Government. The State EIA Committee had heard project on 14-01-04 at 11.30am at Paribesh Bhavan.

The amount earmarked for land acquisition is Rs 20 crores (Rs. 200 million). Most of the land earmarked for the project is vested land (lands vested with the Government). *However, the site visit proved otherwise. The places identified for the project include Lower Long Sand Island, Gangasagar, Sagar, Frasergunj, Kaikhali, Jharkhali and L-Plot. It was found that in Frasergunj, Gangasagar, Kaikhali and L-Plot, the land is agricultural land with human habitation (villages), meaning it belongs to local Panchayats.*

The project will include river cruising, floating hubs, and will require land for accommodation facilities. About 4 acres of land is required at Princep Ghat for a jetty. But it being defence land, it is now proposed to have it shifted to Silver jetty. Clearance from Central Government at Sagar will be required because of CRZ norms. It was reported that work has started in Kaikhali and Jharkhali with smaller structures. However site visit did not show any work in progress at Kaikhali and Jharkhali.

Executive Summary of EIA

Developmental aspects have been identified at Sagar, Fraserganj, Kaikhali, Jharkhali, L-Plot (Sridharnagar) and Lower Long Sand Island.

<u>Place</u>	<u>Area (acres)</u>	<u>BUP (%)</u>
Princep Ghat	3.25	-
Sagar	366.51	3.53
Fraserganj	236.5	3.9
L Plot (Sridharnagar)	122.84	3.6
Kaikhali	110.94	4.6

1. 25% of tourists accommodation will be at Sagar, Fraserganj, Kaikhali, and L Plot.
2. 75% of tourist accommodation at floating centres of floating hubs, float-forms, ethnic boats, flotillas, etc.
3. Two major floating hubs, off Kaikhali and Chaltabunia creek
4. Permission for development of project sites and floating centres will be taken from Department of Forests, Government of West Bengal
5. For floating facilities MARPOL convention will be followed
6. 12% of total capital (Rs. 66 crores) will be for environmental measures
7. 2% of total capital (Rs. 10 crores) and 5% of revenue will be for socio-economic development
8. Under Ecology: 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed developmental sites'
9. Under Infrastructure and Service Facilities: Effluents will be recycled (if warranted by demand)
10. Under Recommendations for Soil Environment Improvement and Land Use Pattern :
11. 'The same land used for construction camps, reclaimed area during the construction will be used ...'
12. 'Appropriate land disposal of dredged material will be done ...'
13. Under Recommendation for biological Environment Improvement :
14. 'Vegetational removal required for land clearing during construction operations will be controlled ...'
15. 'cutting of nearby vegetation for firewood will be prohibited'

Note: No details regarding the floating hub near Kaikhali, the second floating hub near L-Plot 6 nautical miles and the 3rd floating hub 14 nautical miles south-west of Sagar have been mentioned. The third hub has been mentioned only in the sketch map.

Environment Impact Matrix (Operation phase)

	Physical					Biological					Social		
	Topography	Hydrology	Water quality	Air quality	Noise & Odour	Vegetation	Fauna	Aquatic life	Agriculture	Wildlife	Employment	Health & Education	Services
Transport network			N	N	N		N			N			
Water supply		N	N									P	
Waste water treatment								P	P				
Solid waste disposal	N												
Air pollution for household				N		N	N					N	
Oil spillage from water vessels			N			N	N	N		N			
Social conflicts											P	P	P

N - negative impact, P - positive impact

Source: Executive Summary for EIA

Environment Impact Matrix (Construction phase)

	Physical					Biological					Social		
	Topography	Hydrology	Water quality	Air quality	Noise & Odour	Vegetation	Fauna	Aquatic life	Agriculture	Wildlife	Employment	Health & Education	Services
Possession of land											L		
Site development	L	S	S	S	S								
Excavation & land filling		S	S	S	S	S	S	S	S	L			
Construction	S	S	S	S	S	S	S	S	S	L			L
Transport of equipment				S	S					L			L
Workers colony			S							L	S	S	S
Rehabilitation										L	S		

L - long term impact, S - short term impact

Source: Executive Summary for EIA

The other details that were obtained were pertaining to tourism development plans in general for West Bengal. We learnt that Rs. 13 crores is the tourism budget of which Rs. 70 lakhs is for publicity. Under the present schemes: (1) Circuit tourism is for Rs. 8 crores, and it needs to be developed; (2) Destination tourism for Rs. 3.25 crores and Vishupur has been selected (temple town); (3) Rural tourism - Rs. 50 lakhs has been sanctioned and the projects mainly come from district officials and (4) 3 district proposals have been submitted for the Dooars Circuit to the tune of Rs. 766 lakhs.

The Department of Tourism has a governmental agency as consultant named Webcon located at Chatterjee International Centre, 4th floor, 33A Jawaharlal Nehru Road, Calcutta 700 071 Tel 22266527 / 6278 Fax 22268037 email webcon@cal.vsnl.net.in.

Tourist figures to Sunderban as per West Bengal Forest Department for 2001: Indian 20741, Foreign 417, Students 1017 Crew members 2567, Total 24742. The Department of Tourism estimates that for 2002, the domestic tourists were about 25000 and foreign 1500, and that for 2003 domestic were 30000 and foreign 2000.

The Tourism Policy of 1996 (updated Nov 2000) states that tourism is an industry and the status was accorded through the Notification of the Commerce and Industries Department no. 945-CI/H-4F/26/92 dt. 11 Sep 1996 and No. 302-CI/H-4F/26/92 dt. 17 Mar 1997.

C. Meeting with Chief Executive Engineer, West Bengal Pollution Control Board

The intention of the meeting was to discuss the EIA Report of the Project and to have a look at the entire Report; however, **the EIA Report was refused saying that there was compulsion to not disclose it to anybody.** When requested that this was a public document and being a Government Department, it was the duty of the PCB to allow interested people to read it, he said that he was not aware of such a provision. He went on further to say that the PCB was not a government department and was a semi-autonomous institution, hence transparency procedures applicable to government departments were not applicable to the PCB.

He clarified a few queries and he said the from 24 Paraganas (South), CRZ starts just beyond southern boundary of Diamond Harbour municipality and that the entire Sunderban Biosphere Reserve is CRZ-I area. He said that EIA notification for tourism projects falling within 200-500 m. of HTL need Government of India clearance, but this can be avoided by having construction beyond 500 m. / 100 m. He defended the Sahara project by saying that they were not doing anything within CRZ. NOC had not yet been issued because of public and environmental considerations and the State Government has constituted a special committee to look into such kind of projects and it's before them at the moment and awaiting clearance. For the issue of ground water extraction for drinking, he said clearance is asked for from concerned authorities. In the tourism project, rainwater harvesting will be done and pisciculture will be promoted.

D. Meeting with Additional PCCF, Research, Working Plans & Monitoring

He is also a Member of the National Coastal Zone Management Authority & was Director of Sunderbans Tiger Reserve for 11 years. He made the following comments:

- The human population of Sunderbans has increased from 12 lakhs to 42 lakhs in the last 50 years. Therefore, it is necessary to go for poverty alleviation; employment generation is needed. The main occupation is fishing and agriculture. Only 1 crop / year is grown and it is mainly rice; now watermelons and chillies are also grown. Prawn culture had been experimented with but was found to be detrimental to the environment, hence stopped.
- Saline water can be found at depth of 10 feet and canals dug are shallow and used for rainwater harvesting and these are not sufficient.
- Tourist visitation is approximately 50,000/year. A tourism carrying capacity study was done by Department of Tourism and it had recommended that there is under-tourism and it can be increased by 2.5 times. Gangasagar is of archaeological interest and is hence CRZ-I
- Sahara should keep a monitoring provision for area around floatels and cruise areas regarding oil, grease and dissolved oxygen to ensure maintenance of CPCB standards. Sahara will provide the money and West Bengal Pollution Control Board will do it as they have a good laboratory. Solid waste should be brought in separate vessel in containers and converted on dry land. Under EPA, CPCB has laid down standards for water 5 km. off coast. Sahara's cruises will affect other waters in the core area.
- Sunderbans Biosphere Reserve is 9630 sq. km. and satisfies many parameters of an eco sensitive zone. No land use plan and development control regulations for the biosphere reserve exists. Jharkhali is Reserve Forest where there's a land hub of Sahara. Tigers come here. Forest cover is along coast. Part of Namkhana Reserve Forest is a Project Tiger area. Wildlife Protection Act is applicable everywhere and is the only thing that will apply to floating hubs. Marine national park first mooted in 1992-93 and last proposed in 2000. Government of India has asked West Bengal Government to declare the Marine National Park but the Director, Sunderbans Biosphere Reserve does not want Marine Park of 800 sq. km. Calcutta Port Trust has objected to national park because dredging will not be permitted. Dredging in buffer area is allowed so CPT objection does not hold water. Naval Hydrographer has also agreed to national park. Opp. Dhanchi island (30 sq. km. of good forest) is a very deep creek so floatel there will be protected. Kaikhali is another hub with floatel in the creek. Background sound in Sunderbans is > 65 db.
- Total tidal amplitude at Sagar is 3.5 – 4 m. Sahara has not yet decided on the position of the floating hub near Sagar but will have to exclude Sagar because of approved Coastal Zone Management Plan.

Ocean Regulation Zone not yet done and is with the Department of Ocean Development. Whether it'll go to Delhi is yet to be decided; will depend on inclusion / exclusion of Gangasagar.

Note: The EIA and CRZ notification of the Ministry of Environment & Forests are available at <http://envfor.nic.in>.

E. Meeting with fishing community at Kakdwip

At the outset, there was a strong feeling that the Sahara Tourism Project will affect all the fishing grounds and hence the livelihood of the fishing community in Sunderban. There was a rumour that Sahara wants to acquire the coastal stretch, including the areas of the harbour / jetty under construction, and mining area and brick kilns area, for building a harbour. Fishermen who have been displaced from Jambudwip say fishing nets for *Hilsa* and other nets in the creeks will be caught in the speed boats of Sahara. They also said that the intensive activity will affect other biodiversity like dolphins, porpoises, sharks and whales that are found in the Bay of Bengal near Sunderban.

Observations: there is mining within CRZ for brick making and a number of brick kilns are functioning within CRZ. New harbours and jetties of Fisheries Department under construction; mangroves at site.

F. Visit to Amravati village near Frazergunj harbour

Amravati Village abuts Lakshmipur village. Information given by villagers at Lakshmipur '*monja*'.

It was found that the villages of Lakshmipur and Baliara of Lakshmipur '*monja*' are to be acquired. The Government had said that this is a tourism zone and can be acquired any time; they had made markers about 1½ - 2 years ago. The Sahara group had made markings about a year ago; 2 theodolite markers have been made by Sahara at Lakshmipur village. The theodolite

- **The entire Sunderban is CRZ-I Classification. Hence Lower Long Sand Island, Gangasagar, Frazerganj, L-Plot, Kaikhali and Jharkhali are all CRZ-I.**

CRZ-1: Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.

MINISTRY OF ENVIRONMENT & FORESTS (Department of Environment, Forests and Wildlife)

Notification under section 3(1) and section 3(2)(v) of the Environment (Protection) Act, 1986 and Rule 5(3)(d) of the Environment (Protection) Rules, 1986 declaring coastal stretches as Coastal Regulation Zone (CRZ) and regulating activities in the CRZ.

New Delhi, the 19th February, 1991
(as amended up to 3rd October 2001).

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markers are on the retaining wall between the village and the beach; the tide reaches the markers about a foot above the base of the retaining wall, as per the villagers.

Each house has been surveyed with respect to size, plinth, type of construction, etc. and has been video-taped. Land value of about Rs. 50,000 / bigha¹⁷ has shot up to Rs. 2 lakhs / bhiga after the markings. At the village, most of the people are fishermen and a few are agriculturists. If they have to go from here

- **Frazergunj is within 10 km. of Lothian Island Wildlife Sanctuary.**
- **Lands proposed to be developed at Frazergunj, L-Plot and Kaikhali are completely or partially within CRZ.**

they have no place to go to and they said they don't know what to do and they cannot resist takeover. The land that is to be acquired by Sahara will affect access to fishing for other local villagers as well as to community water pumps. The villagers said that the Panchayat is divided on this issue. In addition to this, a 2-3 km. coastal stretch between Bakkhali and Frazergunj harbour is also to be acquired for the project.

Observations:

1. Part of the coast has been lost to the sea.
2. The entire area to be acquired falls within 500 m. of the HTL
3. Sand dunes exist within the CRZ
4. Frazerganj is CRZ-I
5. Extensive mangroves
6. Large fish drying area

G. Visit to L-Plot

All privately held agricultural land is with 2 crops a year. Hand pumps are used and they fetch water over 1000 feet depth. The primary occupation and main source of income is fishing. Land value is about Rs. 45,000 – 60,000 / bhiga.

Like in Lakshmipur *monja*, a Survey has been done here by Sahara and soil samples have been taken. The originally marked area was around 300 acres but finally selected

- **L-Plot is within 10 km. of Lothian Island Wildlife Sanctuary.**
- **L-Plot is within 10 km. of Dhanchi Reserve Forest, Chulkati Reserve Forest and Dhubhasani Reserve Forest of the Sunderbans Tiger Reserve; the Reserve Forests are also part of the Buffer Zone of the Sajnekhali Wildlife Sanctuary.**

¹⁷ A *bhiga* is approx. one-third of an acre.

about 117 acres have been demarcated. Two villages of Dindapara and Bechpara are to be acquired and 80-120 families will be affected. Most of those who will lose homes will also lose all their lands. Some villagers are resigned from shifting whereas others say they will fight. All say they have nowhere to go and do not know what to do; women have said that they do not want to go at all. The villagers are sure that there will be no jobs for them, or at least not of any consequence.

Around Durga Puja time (Nov 2003) Sahara people were asked how much they will pay for a coconut tree and they replied Rs. 20 / tree. One villager is not planting 40 coconut saplings as he does not know whether he will be there. Most villagers have also not planted watermelons for the same reason.

The Local Panchayat is CPM; CPM MLA is pro Sahara; TMC MLA is anti Sahara.

Information provided by villagers at the jetty:

A letter has been signed by 65 villagers and given to Block Development Officer stating that they do not want the Sahara project. They raised the concern that profits from this international project will go to the proponents and no profits will go to them. They said they could only gauge what will be their loss; their estimate is that this project will ruin them.

They also said that Rs. 6 crores will be given by Sahara for local development and the agent had said that the project is worth Rs. 900 crores; 10% of profit will be ploughed back into the local economy.

Observations:

1. Rectangular plot to be acquired with one breadth along Thakuran river and one length along creek; lands along river and creek within CRZ
2. Dense mangroves along river; moderate to thick mangroves along creek; mangrove plantation along creek
3. Dhanchi Island is on the other side of the creek and is a Reserve Forest
4. A '*chor*' (land formation) in river Thakuran exists for the last more than 20-30 years; is about 10 sq. km.; used for drying fish; Forest Department has planted mangroves; locally called '*doumba chor*'; fishing grounds around '*chor*'; is about 3½ km. away into the river and takes 20-25 minutes to get there
5. The location is about 7 Km from the Sunderban Tiger Reserve.

Observations at Chaltabunia creek where a floating hub is proposed:

Location of Chaltabunia creek is off Curzon creek, towards east, towards Dhanchi Reserve Forest, a Project Tiger area.

1. Creek 200-300 m. wide

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2. Prawn farming by local women
3. Small fishing nets and boats
4. Many small jetties
5. Frequent local boat transport
6. Sparse mangroves
7. Mud banks

H. Visit to Sagar Island

The visiting team members met Mr. Jagdish Chandra Gayan, Secretary, Dakshin Sagar Mahaganga Marine Fishermen Welfare Society¹⁸. The village to be acquired on Sagar Island for the Project is Beguakhali. Mr. Gayan is also the traditional head of the Village which follows a traditional system of governance. Topics and issues that are beyond the mandate of the traditional system are sent to the local Panchayat for resolutions.

There are about 1 lakh registered voters on the Island and the population of Gangasagar is 14000. There are 82 polling booths on the Island.

60% of the population are fishermen and 40% are agriculturists, with a little overlap. A single crop is grown and it mainly rice, about 90% of cultivated area, and 10% is green chillies and beetle leaf. Fishing is usually carried out from October to March. He said that so far there have been no water problems for fishing and irrigation. Deep tube wells are used for drawing underground water.

Pilot boats and tugs for the big vessels that go till the Kolkata Harbour on the River Hoogly are provided from here. A jetty was proposed for the pilot boats but construction could not be done because of strong currents. There is a proposal for Japanese funds for a bridge to Kukrahati.

- **Gangasagar is CRZ-I for more than one reason, as it also of archaeological importance.**
- **Lower Long Sand Island is part of the proposed Marine National Park.**
- **Land proposed to be developed at Gangasagar is Reserve Forest.**
- **Land proposed to be developed at Gangasagar has mangroves on it.**

¹⁸ The fishermen's association in the Village are:

Dakshin Sagar Mahaganga Marine Fishermen Welfare Society has a membership of around 3,000.

President of Sagar Matsyajivi Marine Khunti Sanstha is Bhulashyam Bhuinya (tel. 03210-240637); with a membership of about 3,000. (Khunthi – fish drying area).

President of Sagar Sangam Marine Khunthi Sanstha is Himanshu Mandal; with a membership of about 2,000.

Source: notes from Liyakhat's visit a year ago, on 6/3/03

The Island is prone to sea erosion and sea ingress; portions of villages have been submerged earlier. The Marine Fisheries Department has allotted Rs. 10 crores for the general development of the area; water, relief-cum-savings grant of Rs. 600 / person / year, etc.

There are no other forms of tourism on this part of Sagar Island yet. There is a light house under Central Government and there is nothing else that can be called as tourist attraction.

A Five Man Committee of the Gram Panchayat had submitted a proposal to the Office of Asst. Director of Fisheries - Marine, Diamond Harbour, 24 Paraganas (South) for registration of 3 parcels of land admeasuring 42, 22 and 28 acres in their name. This land has been registered vide notification no. ADF(m)/24-PGS(S)/khunti-3 of 2003 dated 13/12/02.

Sahara had measured and demarcated the land to be acquired with poles and white flags. The Fishermen Welfare Society replaced these with their blue flags. Sandy area earmarked by Sahara is used for drying of fish, parking of boats, etc. and 600 cottages are being proposed by Sahara.

There are about 30,000 fishermen at Beguakhali. The area has extensive mangrove forests and the fishermen were told by the Forest Department that they cannot cut mangroves; if they do they will be fined.

An ex-MLA, Prabanjan Mandal, told fishermen that they will have to vacate their lands and homes for the sake of the Project. The fishermen have nowhere to go if they are displaced and hence the entire fishing community of Beguakhali, comprising of three fishermen associations, is united against Sahara. On 4/3/04 a small meeting of the three fishing associations with National Fishworkers Forum was held and it was resolved to fight the Project; NFF has pledged support of 1 crore fishermen from across India.

Non-fishermen of the villages on this Island, many of who are agents for or have put money in Sahara's chit funds, say Sahara will be good for them. There is a local NGO called Marine Biology Research Institute, lying more or less defunct, and it is pro-Sahara as they have been promised funds for their activities.

Observations:

1. The Beguakhali Village is north from flag post used to demarcate the land to be acquired for the project and south is Bay of Bengal
2. South-south-east is Long Sand Island
3. From the flag, an area approx. 360 feet north – south and 5400 feet east – west has been marked by Sahara

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4. HTL of ocean about 10-12 m. from flag; in monsoon sea reaches up to the flag
5. North of flag is approx. 20 m. of sand and beyond that are mangroves
6. Entire length of 5400 feet is sandy and mangroves interspersed with *Casuarina* planted by the Forest Department
7. In the last 40 years mangroves extended about 2 km. into the sea from present location; sea is still claiming mangroves.
8. In Chemagudi village Sahara had started a shrimp farm on about 4 ha. Of land but the project had failed; paddy field converted for shrimp farming; not doing anything on plot; east of plot are mangroves, north and west are paddy fields and south are paddy fields used for aquaculture.

Comments

1. Location not yet decided as per Addl. PCCF
2. Executive Summary states that it is 14 nautical miles off Sagar
3. It may well be close to Lower Long Sand Island, a land hub
4. It would be in the proposed Marine National Park area

Observations

1. Uninhabited, sandy island
2. Used for fish drying during fishing season by the community
3. Part of proposed Marine National Park.

I. Visit to Kaikhali

Information collected by interview with villagers at Lot no. 8

The Ramkrishna Mission, which runs an *ashram* on this part of the Island of Kaikhali, came here first in 1988 when cyclone and flood had ravaged the Island. They first started a feeding station for those affected by the natural disaster. Later on they started a health centre and then a school. The Mission employs about 10-12 local persons. Many villagers who sold their land to the Mission are unhappy because they were paid only half the money and they said that the Mission is a confidence-trickster. Another reason for the villagers' antagonism to the Mission is that it does not employ local graduates; earlier they were employed in the school but not any longer and outsiders have been brought in. they do not also get much help from Mission's hospital now.

The Mission has its own jetty. A guesthouse has been built by the Mission, which the Mission now uses

this place as a base to expand its activities to other areas but is not beneficial to the locals. It is also used to accommodate tourists and visitors to the Island. The villagers felt that the Mission is the spokesperson for Sahara and all Sahara meetings are held at the Mission.

- **Kaikhali is within 10 km. of Ajmalmari Reserve Forest, Haribhanga Reserve Forest and Namkhana Reserve Forest of the Sunderbans Tiger Reserve; the Reserve Forests are also part of the Buffer Zone of the Sajnekhali Wildlife Sanctuary.**
- **The water based hub at Chaltabunia Creek is within 10 km. of Lothian Island Wildlife Sanctuary.**
- **The water based hub off Kaikhali is within 10 km. of Ajmalmari Reserve Forest, Haribhanga Reserve Forest and Namkhana Reserve Forest of the Sunderbans Tiger Reserve; the Reserve Forests are also part of the Buffer Zone of the Sajnekhali Wildlife Sanctuary.**

In the village where that are has been demarcated for the Project, all of it is agricultural land with the main crop being rice; chillies and potatoes are also grown. Ponds have been made by the villagers to harvest rainwater and deep wells find sweet water at about a depth of 1400 feet. There is a jeepable road from Nimpit to Kaikhali of around 8 km. and there are plans to make it into a good motorable road.

300 bighas, approximately 100 acres, have been earmarked by Sahara and the houses have been surveyed like at Lakshmipur but not videographed. There are around 250-300 houses in the village and some of the villagers were resettled here due to another project many years ago. The village elders do not want to give land for the Project. Interestingly, the SUCI opposed to the Project whereas the CPM is pro.

Observations

1. Mission Guest House, if built after 1991, is a CRZ violation (villagers were unable to give date of construction)
2. Erosion visible along Matla river
3. Land to be acquired by Sahara abuts the embankment along the river and hence CRZ is applicable.

At Kaikhali, where a floating hub is proposed. The location is creek off Matla river, near Deulban.

1. Creek 200-300 m. wide
2. Haribhanga Reserve Forest on the other side of Matla river is Project Tiger area
3. Mangrove plantations in creek
4. Kaikhali bank of creek has sparse mangroves closer to river and mangrove plantations further inside
5. Deulban bank of creek has mangrove forest.

J. Visit to Jharkhali

The information was collected by interviews with the villagers.

700 bhigas (approximately 230 acres) have been earmarked for the Project here. All of it is Government land and all of it is forestland with good mangrove cover. Water bodies of brackish water mainly cover the land. Here, no houses or agricultural land will be lost through land acquisition.

A. K. Ghosh aquaculture farm adjoins the earmarked land and it is also forestland. The project had failed and nothing is happening there now.

Subroto Roy, Kanti Ganguly (Minister, Sunderbans Development) and Hirak Ghosh (Secretary, Environment, and Chairman, W.B. P.C.B.) had visited the site around Nov '03.

There is a World Bank funded pisciculture project, which was not successful and has been abandoned.

- **Land proposed to be developed at Jharkhali would involve reclamation as the water bodies therein have brackish water and there are mangroves growing in it.**
- **Land proposed to be developed at Jharkhali is Reserve Forest land.**
- **Tigers regularly visit the proposed Jharkhali site and the last sighting by villagers was on 4 January 2004.**
- **Jharkhali is within 10 km. of the Sajnekhali Wildlife Sanctuary.**

There is a mangrove park across the village road from project site that is being managed by an NGO. Across the creek is Haribhanga Reserve Forest, which is Project Tiger area, and the Project site is adjacent to Namkhana Reserve Forest, which is also Project Tiger area.

Observations

1. Mangroves in brackish water
2. Good bird life
3. Since brackish water, it means reclamation
4. Tiger last came to this spot on 4 Jan. '04

Other observations during travel from location to location in SBR

1. Number of *chors* seen from Bali to Sonakhali via small creek and Bidya river
2. Comparison of 1950s toposheet with NATMO map shows that many islands are now shaped differently, including Lower Long Sand Island, new islands have emerged, etc.

3. Above observatins prove that the area is geologically active
4. Floating hubs, floatforms, etc. will affect island formation process as it will *inter alia* affect currents
5. All locations are CRZ violation
6. *Chors* are designated as forest lands
7. Why does the Executive Summary say that Forest Department clearance will be required at all sites (Bonani to check and find out)
8. EIA process is questionable
9. Clearance under Forest (Conservation) Act, 1980, will be required
10. Clearance under Environment (Protection) Act, 1986, will be required (but the West Bengal Government does not think so)
11. Possible violations of the Wildlife (Protection) Act, 1972.

VII. Analysis and comments

As per information the West Bengal Government's Expert Committee for EIA has approved the tourism project in the Sunderbans of Sahara India Tourism Development Corporation. The West Bengal Government is of the opinion that the project does not need to go to the Ministry of Environment & Forests for various clearances as the Jharkhali hub is proposed to be dropped and no development is proposed within the Coastal Regulation Zone. All the proposed sites are within the Sunderbans Biosphere Reserve, a World Heritage Site. Also, the entire Sunderban is CRZ-I as per the approved Coastal Zone Management Plan of West Bengal, approved by the Ministry of Environment & Forests.

Sunderbans is a globally recognised ecologically sensitive area of international importance. The West Bengal Government has also recognised it as ecologically sensitive in their Coastal Zone Management Plan. Additionally, a number of sites fall within 10 km. of sanctuaries and would hence also need to be declared and considered as ecologically sensitive as per the decisions and proceedings of the XXI meeting of the Indian Board of Wild Life held in January 2002 under the Chairmanship of the Hon'ble Prime Minister. A project of this magnitude in an ecologically sensitive area would necessarily require clearance from the Ministry of Environment & Forests and West Bengal State Coastal Zone Management Authority. Environmental clearance would be required as per notification S. O. 60(E) dated 27 January 1994 as all the proposed land based sites are within CRZ. It appears that the West Bengal Government is not proposing to seek clearance from the WB-CZMA for this project. It is the duty of the WB-CZMA to examine all projects within CRZ and give recommendation before the project is referred to the Central Government, as per clause VIII of notification no. S. O. 25(E) dated 4 January 2002 of the Ministry of Environment & Forests constituting the WB-CZMA. Under clause II(ii) of the above mentioned notification the WB-CZMA has to *inter alia* inquire into and review cases of alleged violation of the Environment (Protection) Act, 1986, and its subordinate legislations.

Sunderbans satisfies the criteria of ecologically sensitive, is experiencing erosion on many islands and is economically important. The risk and threat to the marine ecology due to this project is far too great and will effect the entire ecology and environment of the Sunderbans. Hence the project should have been rejected on this ground.

The EIA's public hearing process and procedure was faulty and inadequate and on this ground alone the proposed project should not have been considered for approval.

It is the moral duty of the State Government of West Bengal to reassure people that they should go ahead

with their farming and fishing activities, their normal lifestyles and that they should be allowed to live without fear of eviction.

We strongly suggest and request that preparation of an Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans be immediately undertaken. Pending the preparation and approval of the plans no projects in the Coastal Regulation Zone should be approved.

In the meeting of the Indian Board for Wildlife was held under the Chairmanship of Hon'ble Prime Minister of India on 21st January, 2002, a decision was taken to notify the areas within 10 km. of the boundaries of national parks and sanctuaries and the wildlife corridors as eco-sensitive areas. The Government of West Bengal is to therefore list out such areas and furnish detailed proposals for their notification as eco-sensitive areas under the Environment (Protection) Act, 1986.

We submit that the proposed project of Sahara in Sunderbans, *inter alia*, violates the CRZ notification and all existing environmental laws and regulations of our country, for the reasons mentioned herein.

1. EIA process not followed :

- (a) The EIA was conducted by the same consultants who did the Project Report. This would seem to be a conflict of interest and would potentially affect the objectiveness and quality of the EIA.
- (b) Paragraph (4) of Schedule IV of Notification no. S. O. 60(E) dated 27 January 1994 of the Ministry of Environment & Forests stipulates that access shall be given to the concerned persons to the Executive Summary and Environment Impact Assessment (EIA) report.
 - (i) Access to the reports was not provided to all those who asked for them.

In India, the Ministry of Environment and Forests (MoEF), New Delhi introduced the Environmental Impact Assessment (EIA) law through a gazette notification passed on 27 January 1994, for obtaining "environmental clearance" for certain types of projects. To make it more participatory the provision of "public hearing" was added in 1997. The EIA lays down guidelines for preparing EIA documents and also conducting the public hearing. Public hearing is the only legal space available to affected communities and concerned citizens to raise their concerns on the proposed project. It is mandatory for the state government to provide the complete EIA document and executive summary in the local language to public 30 days prior to the public hearing.

The public hearing is conducted by the State Pollution Control Boards before the proposals are sent to MoEF for obtaining environmental clearance and, for site specific projects. It is even before the site clearance applications are forwarded to MoEF. In the environmental clearance process, the documents to be submitted to MoEF are project report, public hearing report, site clearance for site specific projects, no objection certificate from State Pollution Control Board (SPCB), environmental appraisal questionnaire, EIA/EMP report, risk analysis for projects involving hazardous substance and rehabilitation plans, if more than 1000 people are likely to be displaced.

- (ii) When asked to refer to both documents at the West Bengal Pollution Control Board (WBPCB), Paribesh Bhavan, access was denied on the grounds that the project is under consideration. When pointed out that these were public documents, the concerned officer denied knowledge that the documents were public documents.
 - (iii) Apparently 20 copies of the Executive Summary and EIA report were not made available to the WBPCB as per the notification.
 - (iv) Apparently copies of the EIA in Bengali have not been made available and only a few copies of the Executive Summary have been made available in Bengali.
In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was not considered as having been undertaken till the EIA was provided in Hindi (the local language).
- (c) The last proviso of Paragraph 2)1.(a) of the notification stipulates that in case of pipelines and highways that pass through multiple Districts, a public hearing shall be held in each District.
- (i) The notification is on the basis that there is only one site per project.
 - (ii) Where the notification envisages that the project is not specific to a single site, it mandates multiple public hearings.
 - (iii) Keeping with the spirit of the notification, a public hearing should have been held at 5 of the 6 project sites, viz. Gangasagar, Frazergunj, L-Plot, Kaikhali and Jharkhali, as at Lower Long Sand Island habitation by about 150 families is temporary; these families are apparently the ones who were on Jambudwip and have now relocated here.
 - (iv) A public hearing was held in a location that is not one of the project sites and the time taken to travel from each of the various project sites to the place of hearing takes between 2 to 6 hours. Hence true public participation by the resident stakeholders was missing.
In Nalgonda, Andhra Pradesh, the Court ordered another public hearing as the site chosen for the public hearing was too far from the affected villages. Two public hearings were conducted on the same day taking into consideration the accessibility of villagers. The complete EIA of this uranium mining project was made available to the public.
In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was conducted thrice. The first time it was held that there was lack of adequate circulation of the newspaper in which the public notice was given. The second time only the Executive Summary was made available in the local language. Hence a third

public hearing was conducted.

- (d) The EIA was not available at the time of public hearing.
- (e) Evidence of newspapers being widely circulated and read in the remote project sites, such as L-Plot, Kaikhali and Jharkhali was not found. In keeping with the spirit of the notification the public hearing should have been locally publicised, possibly by use of loudspeakers, as is done for the pulse polio drive. This was not done.
- (f) Attention is to be drawn to the case of Center for Social Justice vs. Union of India & Ors. (AIR 2001 Gujarat 71). The Gujarat High Court *inter alia* held:
 - (i) That the venue of the public hearing should be as near as possible to the site of the proposed project
 - (ii) The Pollution Control Board shall send a copy of the public notice to the Gram Panchayat of each of the villages likely to be affected by the project to bring it to the notice of the people likely to be affected.
 - (iii) Summary of EIA should be available locally in the local language.
 - (iv) A copy of the EIA should be made available within one week on payment of reasonable fee, if asked for.
 - (v) Minutes of the public hearing shall be furnished within a fortnight on payment of a reasonable fee, if asked for.
 - (vi) It is up to the Pollution Control Board to decide how many public hearings are required based on facts and circumstances of the case.
 - (vii) The gist of clearance granted shall be published in the same newspapers in which the public notice was published.
 - (viii) The Pollution Control Board can charge the project proponents for holding public hearings.

2. Ecological sensitivity :

- (a) At the XXI meeting of the Indian Board of Wild Life held on 21 January 2002 under the Chairmanship of the Hon'ble Prime Minister a number of decisions were taken. One of them was that areas within 10 km. of national parks, sanctuaries and wildlife corridors should be treated as ecologically sensitive. Enclosed are copies of the text of the letters issued by the Secretary, Ministry of Environment & Forests, and Additional DIG (Wildlife) dated 1 February 2002 and 5 February 2002 respectively, addressed to all Chief Secretaries and Chief Wildlife Wardens respectively.
 - (i) Frazergunj, L-Plot, Kaikhali, Jharkhali, Chaltabunia Creek and Creek off Kaikhali, fall within 10 km. of a national park or sanctuary or its buffer zone or in a wildlife corridor.
 - (ii) Lower Long Sand Island is within the proposed Marine National Park.

- (iii) Hence, as per the decision of the Indian Board of Wild Life at its XXI meeting chaired by the Hon'ble Prime Minister, all sites (except Gangasagar) are to be treated as ecologically sensitive. This does not appear to have been taken into consideration.
- (b) Sunderbans is a globally recognised ecologically sensitive area of international importance, and has even been recognised as such by the West Bengal Government, including in the Coastal Zone Management Plan.
- (c) Sunderbans has been categorised as CRZ-I (ecologically sensitive area) in the Coastal Zone Management Plan of West Bengal. Hence ALL the project sites are ecologically sensitive.
- (d) Sunderbans is geologically active as new islands and *chars* (newly emerging sand islands) emerge continuously and at the same time erosion and sea ingress, including possibly due to global warming, is changing the shape of islands. A comparison of the toposheet of the area of the 1950s with the maps available today show that the shapes of a number of islands have changed and newer islands have emerged. We can show this at the time of hearing.
- (e) The floatels, floatforms, etc. will create major disturbances and changes in the water / tidal currents / patterns with possibly disastrous consequences on the ecology of the Sunderbans, including (is)land building process.
- (f) No modelling studies have been carried out to determine the effect of the various speed boats, jetties, floatels, floatforms, etc. on *inter alia* water / tidal currents / patterns and (is)land building process, which would *inter alia* affect the forests and wildlife, i.e. apparently no modelling studies for speed boats, jetties, floatels, floatforms, etc. that will affect the ecology and environment of the Sunderbans has been carried.
- (g) The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Marsh lands are ecologically highly productive areas. Development of coastal marsh land will have a long term adverse effect on the ecology.
- (h) The Executive Summary lists the various activities that will have long term effects on wildlife during the construction phase of the project and the various activities that will have a negative impact on wildlife during the operation phase. Please refer tables mentioned in the Report. A perusal of the same is in itself sufficient grounds for rejecting this proposal.
- (i) Crocodile farms are proposed. It is not understood why this is required here and what is the purpose of the same. It also cannot be termed as *in-situ* conservation.
- (j) At the public hearing it was stated that crab farming of edible crabs will be encouraged

of seven specific species. Introduction of new species in an ecologically sensitive area will impact on the ecosystem. As per information, there are no crab hatcheries in Bengal, so the eggs will have to be collected in the same way as is currently being done for shrimp/prawns. At present there is one species of crab that is commercially exploited by the fishermen, viz. *Scylla serrata* (mud crab). These are caught for their own consumption and the local market. There is no export market for this and this has been confirmed by the Fisheries Department.

- (k) Tiger rescue centre is proposed of tigers from circuses. A Tiger rescue centre of tigers from circuses is, at best, a bad idea. There is also a likely threat to the gene pool of the Royal Bengal Tiger.
- (l) At the public hearing there was no reply when questions were asked as to what would be the impact of the project on the breeding sites of the Olive Ridelys at Sagar and Gangasagar.
- (m) At the public hearing there was no reply when it was pointed out that mangroves should not be planted at Sagar and Gangasagar as it would interfere with the breeding of the Olive Ridelys. It was further pointed out that in Bhitarkanika Sanctuary the *Casurina* plantations had to be removed as they interfered with the breeding.
- (n) Any artificial light at night, however dim or diffused, will disorient the Olive Ridely fledglings. Research shows that they are attracted to the water by the shining of the stars in it. Any artificial light, however dim or diffused, will give more light than stars shining in the water and will disorient the fledglings.
- (o) Gangasagar Island is the habitat of the horseshoe crab, an endangered species. The proposed project will interfere and cause further threat and damage to its habitat.

3. **Marine ecology :**

- (a) It is not possible to control pollution of various types, including oil, grease, solvents, detergents and solid waste, from use and maintenance of boats, floatels, floatforms, ethnic boats, etc. These pollutants will eventually find their way into the waters in the Sunderbans, directly or indirectly.
- (b) Despite all directions by various Ministries, Departments, Authorities and Agencies, and measures adopted by industries, marine pollution due to human activity exists and cannot be wished away.
- (c) Monitoring marine pollution is an extremely difficult task, especially when the source of pollution is not in a fixed place.
- (d) A proposed land hub and a proposed water hub are in a proposed Marine National Park. These will irreversibly harm and damage the marine ecology.

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- (e) One of the proposed water hubs is 14 nautical miles south-west of Gangasagar and would be in one of the richest fishing areas of the country where fishing boats from all over India come for fishing. The water hub will disturb the marine ecology of the area and also affect the livelihoods of fishermen from all over India.
- (f) The floatels, floatforms, etc. will create major disturbances and changes in the water / tidal currents / patterns with possibly disastrous consequences on the ecology of the Sunderbans, including (is)land building process.

4. Coastal Regulation Zone (CRZ) notification:

Notification no. S. O. 25(E) dated 4 January 2002 *inter alia* states that the West Bengal State Coastal Zone Management Authority:

- a) At point IV: 'shall identify ecologically sensitive areas in the Coastal Regulation Zone and formulate area specific management plans for such identified areas'.
 - b) At point : 'shall identify coastal areas highly vulnerable to erosion or degradation and formulate area specific management plans for such identified areas'.
 - c) At point VI: 'shall identify economically important stretches in Coastal Regulation Zone and prepare Integrated Coastal Zone Management Plans for the same'.
- (a) The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Use of coastal salt marsh land is not permitted and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
 - (b) The Executive Summary *inter alia* states under Recommendations for Soil Environment Improvement and Land Use Pattern that 'Appropriate land disposal of dredged material will be done ...'. Dredging is proposed and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
 - (c) All the land based sites have lands that are partially or wholly within CRZ [the location of the lands proposed to be developed in Lower Long Sand Island could not be ascertained; in any event it is part of a proposed Marine National Park] (source : West Bengal Coastal Zone Management Plan, Executive Summary, lands earmarked for acquisition as per villagers during our team's site visit and markings and theodolite points

made by Sahara as pointed out by the villagers).

- (d) The project would need to set up mechanisms for disposal of waste and effluents. This is prohibited under paragraph 2(iv) of the notification.
- (e) The project envisages reclamation (source: Executive Summary, under heading Recommendations for Soil Environment Improvement and Land Use Pattern). This is a prohibited activity for the proposed project under paragraph 2(viii) of the notification.
- (f) The project requires drawal of groundwater. Considering the present ground water situation and acute shortage of potable water in the Sunderbans, permission for groundwater drawal for such projects should not be granted by the relevant authority. This permission is still awaited. The Committee should not have considered this project till the relevant permission from the ground water board / authority had been obtained. Most places sweet ground water was found only at depths greater than 1,000 feet. The lack of adequate and quality potable water appeared to be an issue at every place we visited across the breadth of Sunderbans. Central Ground Water Authority notified Haldia, west of the Sunderbans across the Hoogli river, as a Notified Area vide Public Notice No. 8/2000. *Prima facie* it appears that Sunderbans is also in need of being notified as a Notified Area under the Central Ground Water Authority; need to investigate the situation in the Sunderbans and consider notifying it as Notified Area.

The Hindustan Coca Cola Co. filed a case against the local Panchayat stopping in the Kerala High Court as the Panchayat prohibited the company from drawing ground water. The Court upheld the action of the Panchayat and held that the company can draw only that much water as would be required to irrigate crops on the land held by the company. Hence ground water is no longer being seen as a free commodity to be exploited by one particular person to the detriment of others. The company subsequently filed a revision petition in the Kerala High Court and the matter is sub-judice.

- (g) Topography will be affected (source : Executive Summary, under Environment Impact Matrix [Construction phase]). This is not permissible under paragraph 2(xiii) of the notification.
- (h) The proposed project, except the jetties, does not require waterfront and foreshore facilities. Hence the project cannot be given clearance under paragraph 3(1) of the notification.
- (i) No new construction activity is permissible in CRZ-I as per paragraph 6(2) of the notification. Sunderbans is classified as CRZ-I in the Coastal Zone Management Plan of West Bengal as per paragraph 6(1) of the notification. The lands at every land hub and

the two water hubs at Chaltabunia creek and off Kaikhali fall either completely or partially within the CRZ.

- (j) Paragraph 7(1)(ix) of the notification stipulates that public access to the beach in CRZ-III areas shall not be more than 500 m. apart. While the project sites are admittedly in CRZ-I area, the spirit of public access should also be followed here. The proposed continuous waterfront to be acquired in all places exceeds 500 m. Thus, the spirit of public access to the waterfront as envisaged in the notification is violated.
- (k) As per paragraph 7(2) construction of beach resorts / hotels in ecologically sensitive areas is not permitted; Sunderbans is a known ecologically sensitive area. Hence none of the land based hubs and the two water hubs at Chaltabunia creek and off Kaikhali can be permitted under the CRZ notification. On this ground alone the project should have been rejected.
- (l) The water based hubs at Chaltabunia creek and off Kaikhali are also subject to CRZ regulations.
 - (i) Paragraph 1(ii) of the notification as amended vide S. O. 550 (E) dated 21 May 2002 *inter alia* states
“The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks, and backwaters ...”
 - (ii) Hence CRZ applies to both sides of the HTL, i.e. the landward side and the water body side.
 - (iii) The water based hubs are in creeks of width around 200 m. If the hub falls within 100 m. of the HTL, which it is bound to, it is subject to provisions of the CRZ notification.
- (m) No clearance under the CRZ notification has been obtained from the West Bengal Coastal Zone Management Authority. Based on this alone the Expert Committee for EIA should not have considered this proposal at this stage.

5. Land Use and development :

- (a) The West Bengal State Coastal Zone Management Authority has *inter alia* to date not prepared what they were mandated to prepare, viz.
 - (i) Area Specific Management Plan for Sunderbans
 - (ii) Integrated Coastal Zone Management Plan for SunderbansOnce the Sonakhali to Basanti bridge is completed, Jharkhali will be easily accessible by road. It is also one of the places identified for development in the proposed mega tourism project.

The West Bengal State Coastal Zone Management Authority has not prepared Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans, which satisfies the criteria laid down for the preparation of the plans.

Preparation of a Master Plan for the Sunderbans, before the rapid and large scale developments cause irreparable and irreversible damage and harm to the ecology and environment of this unique area needs to be initiated at the earliest.

- (b) A Master Plan for the development of the non-forest areas of Sunderbans has not been prepared by the West Bengal Government.
- (c) There are no Plans of any kind that would regulate the development of the ecologically sensitive Sunderbans.

The developments of Sabara's Amby Valley in Pune District, Maharashtra, did not adhere to and conform with the existing rules and regulations. The project was given post facto clearance after the Government of Maharashtra issued a notification making such kinds of development possible.

The project, along with the other infrastructure developments taking place, will change the land use and development pattern of the Sunderbans. Major projects that will affect the ecology, environment, including social and socio-economic, cannot and should not be cleared till all Plans for the area are sanctioned.

6. Socio-economics :

- (a) No modelling studies have been carried out to determine the effect of the various speed boats, jetties, floatels, floatforms, etc. on *inter alia* water / tidal patterns / currents and (is)land building process which would *inter alia* affect local fishing patterns and thereby local livelihood.
- (b) It was stated during the public hearing that fishing will not be permitted in the creeks where Sahara's boats will ply. This will have a tremendous impact on the local fishing communities; the economy of Sunderbans is primarily based on fishing.
- (c) Some villagers mentioned that they have been told that 5% of the profits will be utilised for socio-economic development.
 - (i) It is today not known which Sahara company makes any profit. General public perception is that all Sahara companies are running in a loss.

- (ii) Sahara's Amby Valley project in Pune District, Maharashtra, is, *prima facie*, still not making a profit even after over 5 years as there are apparently no takers for their houses even on time share basis; the minimum cost of 'citizenship' at Amby Valley for a time share of 45 days a year for 15 years is Rs. 1.94 crores and goes as high as Rs. 3.38 crores. We can show Sahara's Amby Valley brochure at the time of personal meeting.

7. Social :

- (a) The Environment Impact Matrix (Construction phase) in the Executive Summary *inter alia* states that there will be a long term social impact due to displacement. Yet no rehabilitation of project affected persons is part of the EIA. Profit for private enterprise is a priority over social concerns.
- (b) Dialogues with villagers at all the land sites, excluding Lower Long Sand Island, have revealed that without exception, they have no place to go if they are evicted. The about 150 families that temporarily reside in Lower Long Sand Island are those who have been evicted from Jambudwip.
- (c) Villagers at all land sites, excluding Lower Long Sand Island, said that if they were evicted they do not know what alternate means of livelihood they will pursue.
- (d) Villagers at Kaikhali said that some of them have been evicted once and have settled here. Now they will be evicted again. One of them quite poetically said that they no longer know which part of mother earth belongs to them, if at all.
- (e) Fishermen who said they use Lower Long Sand Island for fishing and drying activities said they do not know what they will do if they are not allowed to continue fishing and fish drying there.
- (f) That the project does not fit into the environment of the Sunderbans is evident from a statement, we understand, in the EIA / Project Proposal that there may be opposition to this project and the WBPCB should take steps and hold public meetings to assure and educate the public of the need / necessity / positive benefits of this project. This has not been done. On the contrary, villagers have said that MLAs have threatened them with consequences if they do not co-operate and have told them that they will have to vacate the land.

8. Ecotourism :

- (a) It is not understood how this project is being considered as an ecotourism project when the local populations will be evicted and their very means and source of livelihood is threatened. The project-affected are also not to be rehabilitated within their known

profession and way of life.

- (b) The Memorandum of Agreement signed between Sahara and Government of West Bengal on 28-11-03 at Writers Building states that 'no new agency will be permitted to do something similar without permission of the West Bengal Government'. Hence other enterprises will *inter alia* not be able to take tourists on boats. This amounts to monopoly and is challengeable. It is also not understood how this is permitted in the present free market and free trade scenario in the country.
- (c) This project does not involve the Fisheries Department and marginally involves the Forest Department, the two largest Departments functioning in this area.
- (d) Almost all the facilities being provided are those that can be provided elsewhere and does not need or require the Sunderbans.

9. **Other points :**

- (a) If this project is to be executed, to which we strongly object, permission for development of project sites and floating centres should also be taken from the Fisheries Department, and not just the Forest Department (source : Executive Summary).
- (b) It is not understood how this project is considered as a Joint Venture between the West Bengal Government and Sahara. Just because there is to be one Director out of seven in the proposed Board of the proposed Joint Venture company does not mean that the project is a Joint Venture. The Government of West Bengal will have little or no say in the management and running of the company as there will only be one Director of the State Government and he will be outnumbered six to one.
- (c) It was mentioned at the public hearing that a scuba diving centre will be set up at Sagar / Gangasagar. This shows the lack of knowledge of local conditions by the project proponents.
- (d) The Environment Impact Matrix (Construction phase) and the Environment Impact Matrix (Operation phase) of the Executive Summary are annexed. Based on these alone the project should have been rejected.
- (e) The estimates, if any, of the quantity of water that will be required by the facilities are not available. It appears that rainwater harvesting is proposed in the EIA without giving any details. It is not clear what methods and techniques would be used for harvesting rain water. Also what percentage of the required water will be harvested and whether or not these estimates are practical given the amount of land, methods and practices and the rainfall.

10. Local Community's opinions :

- (a) Villagers at L-Plot and Gangasagar are not planting watermelons this season as they fear that they will not be permitted by Sahara and the Government to reap the fruits of their labour. As a result they will face great financial uncertainty in the near future.
- (b) One villager stated that he had 40 coconut saplings but was not going to plant them as he did not know where he would be by the end of this year.
- (c) Another villager stated that, around Durga Puja time in 2003, when they asked Sahara's representative how much Sahara would pay for a mature coconut tree if and when they purchase the land, Sahara's representative said Rs. 20 (Rupees Twenty only). This shows the level and extent of Sahara values and understanding.
- (d) The villagers were bitter that the State Government has no money, yet they have enough to make a detail survey of their holdings and houses, including with respect to the kind and quality of construction, and take video shootings of their property and houses. They felt targeted by the State Government due to, what they perceived to be, their under-privileged status.
- (e) Villagers stated that, being largely uneducated, they would not get any jobs with Sahara, or at least none of any consequence.
- (f) Villagers stated that they will eventually not receive any benefits from this project and that their estimate is that this project will ruin them.
- (g) The Block Development Officer under whose jurisdiction L-Plot is has apparently received a letter signed by 65 villagers that they do not want the Sahara project.

VIII. Annexure

A. Letters written to various departments by the Steering Group

March 15, 2004

Mr. J. S. Burija
Chairman
Central Ground Water Authority
Jamnagar House
Mansingh Road
New Delhi 110 011.

Dear Mr. Burija,

Re: Sunderbans – West Bengal
Regulating ground water – role of Authority

The Sunderbans are rapidly being opened to development by the West Bengal Government, including large scale tourism.

On a recent visit to the Sunderbans we found that in most places sweet ground water was found only at depths greater than 1,000 feet. The lack of adequate and quality potable water appeared to be an issue at every place we visited across the breadth of Sunderbans.

Your Authority notified Haldia, west of the Sunderbans across the Hoogli river, as a Notified Area vide Public Notice No. 8/2000.

Prima facie it appears that Sunderbans is also in need of being notified as a Notified Area.

We request you to kindly investigate the situation in the Sunderbans and consider notifying it as Notified Area

We request for and would greatly appreciate a reply.

Thanking you.

Yours sincerely,

For Restricted Circulation only

March 15, 2004

Mr. J. S. Burija
Chairman
Central Ground Water Board
Jamnagar House
Mansingh Road
New Delhi 110 011.

Dear Mr. Burija,

Re: Sunderbans – West Bengal
Permission for groundwater abstraction to Sahara India Tourism Development Corporation Ltd.

Sahara India Tourism Development Corporation Ltd. is proposing a mega tourism project costing over Rs. 500 crores in the Sunderbans, West Bengal.

The project has 6 land based sites, 3 floatels (floating hotels) and other developments like floatforms (floating platforms), ethnic boats, etc.. All these will provide residential accommodation.

The project's 5 land based sites are at:

1. Lower Long Sand Island
2. Sagar / Gangasagar
3. Fraserganj
4. L-Plot (Sridharnagar)
5. Kaikhali
6. Jorkhali.

The 2 floatels are:

- a) in Chaltabunia creek (creek between Curzon creek and L-Plot jetty near Dhanchi island)
- b) creek off Matla river south of Kaikhali and near Deulban.

The location of the 3rd floatel is not yet fixed but is around 14 nautical miles off Sagar. We believe this will be near the Lower Long Sand island.

The location of floatforms, ethnic boats, etc. are either not fixed or have not been made public.

An Environmental Impact Assessment report has been prepared and is before the West Bengal Government. Sahara has been asked to get a No Objection Certificate / Clearance / permission for groundwater abstraction from the Ground Water Board.

During our recent site visit we found that ground water in these areas is at a premium with potable water being found at depths over 1,000 feet.

We wish to draw your attention to the order of the Kerala High Court in a petition by the Hindustan Coca Coal Co. Ltd. against the Pallakad District Panchayat's order restraining them from using indiscriminate amounts of ground water. The Court basically held that the amount of ground water that can be extracted by the company can only be by digging wells, which must be equivalent to the water normally used for irrigating crops in a land area the size of the company's plot. We are in the process of procuring that order and will send it to you later.

We request for and would appreciate an opportunity to be heard by the Board before any permission /

NOC / clearance is granted by the Board.

Thanking you.

Yours sincerely,

cc: Mr. S. Chakaladhar
Regional Director (In-charge), Eastern Region
CGWB, Eastern Region
“Bhujalika” C P Block-6
Sector V
Bidhanagar
Kolkata 700 091.

Executive Engineer
CGWB
Division-XV
12-B Umkant Sen Lane
Kolkata 700 030.

For Restricted Circulation only

March 15, 2004

Mr. Asok Gupta
Chief Secretary
Government of West Bengal
Writers Building
Kolkata 700 001.

Dear Mr. Gupta,

Re: Master Plan for Sunderbans

By way of introduction, we are a non-profit environmental NGO ~~operating since 1979~~. We have been and are represented on a number of Committees of the Central Government and the Government of Maharashtra.

We have interacted and have had many meetings with the Governor of West Bengal, Government of West Bengal and Municipal Commissioner, Kolkata Municipal Corporation, on heritage regulations and declaration of hill stations as environmentally / ecologically sensitive areas.

The importance and uniqueness of the Sunderbans is too well known for us to repeat and reiterate.

Sunderbans are rapidly being opened up for development and infrastructure development is progressing rapidly. Some of the developments are :

1. A Kolkata to Basanti Expressway is planned.
2. The bridge from Sonakhali to Basanti is almost complete.
3. A number of roads leading to the Sunderbans have been upgraded as National Highways / State Highways.
4. A very large tourism project of over Rs. 500 crores spread over 5 islands with hubs, floatels, floating platforms, etc. on many creeks / waterways is planned.
5. Islands, possibly the uninhabited ones, are proposed to be given to foreign companies operating in Haldia.

Once the Sonakhali to Basanti bridge is completed, Jharkhali will be easily accessible by road. It is also one of the places identified for development in the proposed mega tourism project. Jharkhali is visited by tigers and the last sighting reported by the villagers was on 4 January 2004.

As per Notification no. S. O. 25(E) dated 4 January 2002 of the Ministry of Environment & Forests, the West Bengal State Coastal Zone Management Authority has to prepare :

- a) Area Specific Management Plan *inter alia* for ecologically sensitive areas and areas highly vulnerable to erosion, and
- b) Integrated Coastal Zone Management Plan for economically important stretches

We understand that the West Bengal State Coastal Zone Management Authority has not prepared Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans, which satisfies the criteria laid down for the preparation of the plans.

As per our information and belief no plan of any kind or nature for the non forest areas of Sunderbans exists.

We request you to kindly initiate preparation of a Master Plan for the Sunderbans, before the rapid and large scale developments cause irreparable and irreversible damage and harm to the ecology and environment of this unique area.

We request for a personal meeting to discuss the above and related issues.

Thanking you.

Yours sincerely,

March 16, 2004

Mr. Asok Gupta
Chief Secretary
Government of West Bengal
Writers Building
Kolkata 700 001.

Dear Mr. Gupta,

Re: Ministry of Environment & Forests clearance for Sunderbans tourism project by Sahara India Tourism Development Corporation

As per our information the West Bengal Government's Expert Committee for EIA has approved the tourism project in the Sunderbans of Sahara India Tourism Development Corporation.

We understand that the West Bengal Government is of the opinion that the project does not need to go to the Ministry of Environment & Forests for various clearances as the Jorhali hub is proposed to be dropped and no development is proposed within the Coastal Regulation Zone.

We wish to draw your attention to the locations of the proposed land and water hubs, which are as follows:

1. The entire Sunderbans is CRZ-I. Hence Lower Long Sand Island, Gangasagar, Frazerganj, L-Plot, Kaikhali and Jharkhali are all CRZ-I.
2. Gangasagar is CRZ-I for more than one reason, as it also of archaeological importance.
3. Lower Long Sand Island is part of the proposed Marine National Park.
4. Land proposed to be developed at Gangasagar is Reserve Forest.
5. Land proposed to be developed at Gangasagar has mangroves on it.
6. Lands proposed to be developed at Frazerganj, L-Plot and Kaikhali are completely or partially within CRZ.
7. Land proposed to be developed at Jarkhali would involve reclamation as the water bodies therein have brackish water and there are mangroves growing in it.
8. Land proposed to be developed at Jharkhali is Reserve Forest land.
9. Tigers regularly visit the proposed Jharkhali site and the last sighting by villagers was on 4 January 2004.
10. Frazerganj is within 10 km. of Lothian Island Wildlife Sanctuary.
11. L-Plot is within 10 km. of Lothian Island Wildlife Sanctuary.
12. L-Plot is within 10 km. of Dhanchi Reserve Forest, Chulkati Reserve Forest and Dhubhasani Reserve Forest of the Sunderbans Tiger Reserve; the Reserve Forests are also part of the Buffer Zone of the Sajnekhali Wildlife Sanctuary.
13. Kaikhali is within 10 km. of Ajmalmari Reserve Forest, Haribhanga Reserve Forest and Namkhana Reserve Forest of the Sunderbans Tiger Reserve; the Reserve Forests are also part of the Buffer Zone of the Sajnekhali Wildlife Sanctuary.
14. Jharkhali is within 10 km. of the Sajnekhali Wildlife Sanctuary.
15. The water based hub at Chaltabunia Creek is within 10 km. of Lothian Island Wildlife Sanctuary.
16. The water based hub off Kaikhali is within 10 km. of Ajmalmari Reserve Forest, Haribhanga Reserve Forest and Namkhana Reserve Forest of the Sunderbans Tiger Reserve; the Reserve Forests are also part of the Buffer Zone of the Sajnekhali Wildlife Sanctuary.
17. Our team has visited all the above mentioned land and water hub sites, except Lower Long Sand Island.

Given that the locations of all land hubs are within CRZ, we state that clearance from the West Bengal State Coastal Zone Management Authority would also be required.

We state the project needs clearance from the Ministry of Environment & Forests *inter alia* for / as:
CRZ clearance as all the proposed sites, land and water, are within CRZ.
Environmental clearance as per notification S. O. 60(E) dated 27 January 1994 as all the proposed land based sites are within CRZ.

All the proposed sites are within the Sunderbans Biosphere Reserve.

All the proposed sites are within the Sunderbans World Heritage Site.

We also wish to draw your attention to letter no. D.O. No.6-2/2002-WL-I dated 1 February 2002 of Secretary, Ministry of Environment & Forests, to all Chief Secretaries. A copy of the text of the letter is enclosed.

We also wish to draw your attention to letter no. D.O. No. 6-2/2002 WL-I dated 5 February 2002 from Additional DGF (Wildlife) to all Chief Wildlife Wardens. A copy of the text of the letter is enclosed.

The above letters of February 2002 were issued based on the decisions and proceedings of the XXI meeting of the Indian Board of Wild Life under the Chairmanship of the Hon'ble Prime Minister of India.

Sunderbans is a globally recognised ecologically sensitive area of international importance. The West Bengal Government has also recognised it as ecologically sensitive in their Coastal Zone Management Plan. Additionally, a number of sites fall within 10 km. of sanctuaries and would hence also need to be declared and considered as ecologically sensitive as per the decisions and proceedings of the XXI meeting of the Indian Board of Wild Life under the Chairmanship of the Hon'ble Prime Minister. A project of this magnitude in an ecologically sensitive area would necessarily require clearance from the Ministry of Environment & Forests.

We submit that given the above, the project should be sent to the Ministry of Environment & Forests for clearances with the clearances given by the West Bengal State Coastal Zone Management Authority and the State's Expert Committee for EIA.

We request for and would appreciate an opportunity of being heard.

We also request you to kindly let us know the decision of the West Bengal Government with respect to forwarding the proposed project to the Ministry of Environment & Forests for various clearances.

Thanking you.

Yours sincerely,

For Restricted Circulation only

March 15, 2004

Mr. Hirak Ghosh
Chairman
West Bengal State Coastal Zone Management Authority
and
Principal Secretary
Department of Environment
Government of West Bengal
Writers Building
Kolkata 700 001.

Dear Mr. Ghosh,

**Re: Area Specific Management Plan for Sunderbans
 Integrated Coastal Zone Management Plan for Sunderbans**

By way of introduction, we are a non-profit environmental NGO ~~operating since 1979~~. We have been and are represented on a number of Committees of the Central Government and the Government of Maharashtra.

We were on the Coastal Zone Task Force of the Ministry of Environment & Forests that approved the Coastal Zone Management Plans of all coastal States and Union Territories.

We have interacted and have had many meetings with the Governor of West Bengal, Government of West Bengal and Municipal Commissioner, Kolkata Municipal Corporation, on heritage regulations and declaration of hill stations as environmentally / ecologically sensitive areas.

The importance and uniqueness of the Sunderbans is too well known for us to repeat and reiterate.

Sunderbans are rapidly being opened up for development and infrastructure development is progressing rapidly. Some of the developments are :

1. A Kolkata to Basanti Expressway is planned.
2. The bridge from Sonakhali to Basanti is almost complete.
3. A number of roads leading to the Sunderbans have been very recently upgraded as National Highways / State Highways.
4. A very large tourism project of over Rs. 500 crores spread over 5 islands with hubs, floatels, floating platforms, etc. on many creeks / waterways is planned.
5. Islands, possibly the uninhabited ones, are proposed to be given to foreign companies operating in Haldia.

Once the Sonakhali to Basanti bridge is completed, Jharkhali will be easily accessible by road. It is also one of the places identified for development in the proposed mega tourism project. Jharkhali is visited by tigers and the last sighting reported by the villagers was on 4 January 2004.

Notification no. S. O. 25(E) dated 4 January 2002 *inter alia* states that the West Bengal State Coastal Zone Management Authority:

- a) At point IV : ‘shall identify ecologically sensitive areas in the Coastal Regulation Zone and formulate area specific management plans for such identified areas’.
- b) At point V : ‘shall identify coastal areas highly vulnerable to erosion or degradation and formulate area specific management plans for such identified areas’.
- c) At point VI : ‘shall identify economically important stretches in Coastal Regulation Zone and prepare Integrated Coastal Zone Management Plans for the same’.

Sunderbans satisfies the criteria of ecologically sensitive, is experiencing erosion on many islands and is economically important.

As per our information and belief no plan of any kind or nature for the non forest areas of Sunderbans exists.

We strongly suggest and request that preparation of an Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans be immediately undertaken. Pending the preparation and approval of the plans no projects in the Coastal Regulation Zone should be approved.

We also request you to kindly ask the State Government to prepare a Master Plan for the Sunderbans before sanctioning and/or implementing projects that will impact on it and before the rapid and large scale developments cause irreparable and irreversible damage and harm to the ecology and environment of this unique area.

We request for a personal meeting to discuss the above and related issues.

Thanking you.

Yours sincerely,

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March 23, 2004

Mr. N. Ramji
Chairman
West Bengal State Coastal Zone Management Authority
and
Principal Secretary
Department of Environment
Government of West Bengal
Writers Building
Kolkata 700 001.

Dear Mr. Ramji,

Re: Clearance to Sahara's Sunderbans project under CRZ

We understand that the proposal for Sahara's Sunderbans project has not yet been submitted to your Authority for clearance under the CRZ notification.

It appears that the West Bengal Government is not proposing to seek clearance from the WB-CZMA for this project.

You must be aware that the project is within CRZ, including as per the Executive Summary of the Environment Impact Assessment, and would hence require clearance from the West Bengal State Coastal Zone Management Authority (WB-CZMA).

You are aware that it is the duty of the WB-CZMA to examine all projects within CRZ and give recommendation before the project is referred to the Central Government, as per clause VIII of notification no. S. O. 25(E) dated 4 January 2002 of the Ministry of Environment & Forests constituting the WB-CZMA.

Under clause II(ii) of the above mentioned notification the WB-CZMA has to *inter alia* inquire into and review cases of alleged violation of the Environment (Protection) Act, 1986, and its subordinate legislations.

We submit that the proposed project of Sahara in Sunderbans, *inter alia*, violates the CRZ notification for the reasons mentioned herein below.

1. The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Use of coastal salt marsh land is not permitted and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
2. The Executive Summary *inter alia* states under Recommendations for Soil Environment Improvement and Land Use Pattern that 'Appropriate land disposal of dredged material will be done ...'. Dredging is proposed and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
3. All the land based sites have lands that are partially or wholly within CRZ [the location of the lands proposed to be developed in Lower Long Sand Island could not be ascertained; in any event it is part of a proposed Marine National Park] (source : West Bengal Coastal Zone

Management Plan, Executive Summary, lands earmarked for acquisition as per villagers during our team's site visit and markings and theodolite points made by Sahara as pointed out by the villagers).

4. The project would need to set up mechanisms for disposal of waste and effluents. This is prohibited under paragraph 2(iv) of the notification.
5. The project envisages reclamation (source : Executive Summary, under heading Recommendations for Soil Environment Improvement and Land Use Pattern). This is a prohibited activity for the proposed project under paragraph 2(viii) of the notification.
6. The project requires drawal of groundwater. Considering the present ground water situation and acute shortage of potable water in the Sunderbans, permission for groundwater drawal for such projects should not be granted by the relevant authority. This permission is still awaited. The Committee should not have considered this project till the relevant permission from the ground water board / authority had been obtained.
7. The Hindustan Coca Cola Co. filed a case against the local Panchayat in the Kerala High Court as the Panchayat prohibited the company from drawing ground water. The Court upheld the action of the Panchayat and held that the company can draw only that much water as would be required to irrigate crops on the land held by the company. Hence ground water is no longer being seen as a free commodity to be exploited by one particular person to the detriment of others.
8. Topography will be affected (source : Executive Summary, under Environment Impact Matrix [Construction phase]). This is not permissible under paragraph 2(xiii) of the notification.
9. The proposed project, except the jetties, do not require waterfront and foreshore facilities. Hence the project cannot be given clearance under paragraph 3(1) of the notification.
10. No new construction activity is permissible in CRZ-I as per paragraph 6(2) of the notification. Sunderbans is classified as CRZ-I in the Coastal Zone Management Plan of West Bengal as per paragraph 6(1) of the notification. The lands at every land hub and the two water hubs at Chaltabunia creek and off Koikhali fall either completely or partially within the CRZ.
11. Paragraph 7(1)(ix) of the notification stipulates that public access to the beach in CRZ-III areas shall not be more than 500 m. apart. While the project sites are admittedly in CRZ-I area, the spirit of public access should also be followed here. The proposed continuous waterfront to be acquired in all places exceeds 500 m. Thus, the spirit of public access to the waterfront as envisaged in the notification is violated.
12. As per paragraph 7(2) construction of beach resorts / hotels in ecologically sensitive areas is not permitted; Sunderbans is a known ecologically sensitive area. Hence none of the land based hubs and the two water hubs at Chaltabunia creek and off Koikhali can be permitted under the CRZ notification. On this ground alone the project should have been rejected.
13. The water based hubs at Chaltabunia creek and off Koikhali are also subject to CRZ regulations.
 - (a) Paragraph 1(ii) of the notification as amended vide S. O. 550 (E) dated 21 May 2002 *inter alia* states

“The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks, and backwaters ...”
 - (b) Hence CRZ applies to both sides of the HTL, i.e. the landward side and the water body side.

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- (c) The water based hubs are in creeks of width around 200 m. If the hub falls within 100 m. of the HTL, which it is bound to, it is subject to provisions of the CRZ notification.

We submit that given the above, the project cannot be recommended for clearance.

We request for a personal meeting to discuss the above and related issues.

Thanking you.

Yours sincerely,

cc : All Members of the WB-CZMA

March 23, 2004

Mr. Prabuddha Nath Roy
Chairman
Expert Committee for Environmental Impact Assessment
Development & Planning Department
State Planning Board
Pouro Bhavan, 5th floor
FD 415A Sector III
Salt Lake City
Kolkata 700 106.

Dear Mr. Roy,

**Re: Environmental clearance to tourism project in Sunderbans of Sahara India
Tourism Development Corporation**

As per our information the Expert Committee for Environment Impact Assessment under your Chairmanship has cleared the tourism project in the Sunderbans of Sahara India Tourism Development Corporation, subject to conditions.

We wish to bring the following to the kind attention of your committee and request you to kindly reconsider the approval granted in light of what is presented herein below.

1. EIA process not followed :

- (a) Only a Rapid EIA has been done (source : Memorandum of Agreement, 28-11-03) of a project of this size, scale and magnitude in a known ecologically sensitive area. On this ground alone the project should have been rejected as a comprehensive EIA is required.
- (b) The EIA was conducted by the same consultants who did the Project Report. This would seem to be a conflict of interest and would potentially affect the objectiveness and quality of the EIA.
- (c) Paragraph (4) of Schedule IV of Notification no. S. O. 60(E) dated 27 January 1994 of the Ministry of Environment & Forests stipulates that access shall be given to the concerned persons to the Executive Summary and Environment Impact Assessment (EIA) report.
 - (i) Access to the reports was not provided to all those who asked for them.
 - (ii) When we asked to refer to both documents at the West Bengal Pollution Control Board (WBPCB), Paribesh Bhavan, access was denied on the grounds that the project is under consideration. When pointed out that these were public documents, the concerned officer denied knowledge that the documents were public documents.
 - (iii) Apparently 20 copies of the Executive Summary and EIA report were not made available to the WBPCB as per the notification.
 - (iv) Apparently copies of the EIA in Bengali have not been made available and only a few copies of the Executive Summary have been made available in Bengali.

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- (v) In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was not considered as having been undertaken till the EIA was provided in Hindi (the local language).
- (vi) We have a copy of the EIA of Sahara's Amby Valley Project in Pune District of Maharashtra.
- (d) The last proviso of Paragraph 2)1.(a) of the notification stipulates that in case of pipelines and highways that pass through multiple Districts, a public hearing shall be held in each District.
 - (i) We submit that the notification is on the basis that there is only one site per project.
 - (ii) Where the notification envisages that the project is not specific to a single site, it mandates multiple public hearings.
 - (iii) Keeping with the spirit of the notification, a public hearing should have been held at 5 of the 6 project sites, viz. Gangasagar, Frazergunj, L-Plot, Koikhali and Jorkhali, as at Lower Long Sand Island habitation by about 150 families is temporary; these families are apparently the ones who were on Jambudwip and have now relocated here.
 - (iv) A public hearing was held in a location that is not one of the project sites and the time taken to travel from each of the various project sites to the place of hearing takes between 2 to 6 hours. Hence true public participation by the resident stakeholders was missing.
 - (v) In Nalgonda, Andhra Pradesh, the Court ordered another public hearing as the site chosen for the public hearing was too far from the affected villages. Two public hearings were conducted on the same day taking into consideration the accessibility of villagers. The complete EIA of this uranium mining project was made available to the public.
 - (vi) In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was conducted thrice. The first time it was held that there was lack of adequate circulation of the newspaper in which the public notice was given. The second time only the Executive Summary was made available in the local language. Hence a third public hearing was conducted.
- (e) The EIA was not available at the time of public hearing.
- (f) We did not find evidence of newspapers being widely circulated and read in the remote project sites, such as L-Plot, Koikhali and Jorkhali. In keeping with the spirit of the notification the public hearing should have been locally publicised, possibly by use of loudspeakers, as is done for the pulse polio drive. This was not done.
- (g) We would like to draw your attention to the case of Center for Social Justice vs Union of India & Ors. (AIR 2001 Gujarat 71). The Gujarat High Court *inter alia* held :
 - (i) That the venue of the public hearing should be as near as possible to the site of the proposed project
 - (ii) The Pollution Control Board shall send a copy of the public notice to the Gram Panchayat of each of the villages likely to be affected by the project to bring it

top the notice of the people likely to be affected.

- (iii) Summary of EIA should be available locally in the local language.
- (iv) A copy of the EIA should be made available within one week on payment of reasonable fee, if asked for.
- (v) Minutes of the public hearing shall be furnished within a fortnight on payment of a reasonable fee, if asked for.
- (vi) It is up to the Pollution Control Board to decide how many public hearings are required based on facts and circumstances of the case.
- (vii) The gist of clearance granted shall be published in the same newspapers in which the public notice was published.
- (viii) The Pollution Control Board can charge the project proponents for holding public hearings.

We submit that the EIA's public hearing process and procedure was faulty and inadequate and on this ground alone the proposed project should not have been considered for approval.

2. Ecological sensitivity :

- (a) At the XXI meeting of the Indian Board of Wild Life held on 21 January 2002 under the Chairmanship of the Hon'ble Prime Minister a number of decisions were taken. One of them was that areas within 10 km. of national parks, sanctuaries and wildlife corridors should be treated as ecologically sensitive. Enclosed are copies of the text of the letters issued by the Secretary, Ministry of Environment & Forests, and Additional DIG (Wildlife) dated 1 February 2002 and 5 February 2002 respectively, addressed to all Chief Secretaries and Chief Wildlife Wardens respectively.
 - (i) Frazergunj, L-Plot, Koikhali, Jorkhali, Chaltabunia Creek and Creek off Koikhali, fall within 10 km. of a national park or sanctuary or its buffer zone or in a wildlife corridor.
 - (ii) Lower Long Sand Island is within the proposed Marine National Park.
 - (iii) Hence, as per the decision of the Indian Board of Wild Life at its XXI meeting chaired by the Hon'ble Prime Minister, all sites (except Gangasagar) are to be treated as ecologically sensitive. This does not appear to have been taken into consideration.
- (b) Sunderbans is a globally recognised ecologically sensitive area of international importance, and has even been recognised as such by the West Bengal Government, including in the Coastal Zone Management Plan.
- (c) Sunderbans has been categorised as CRZ-I (ecologically sensitive area) in the Coastal Zone Management Plan of West Bengal. Hence ALL the project sites are ecologically sensitive.
- (d) Sunderbans is geologically active as new islands and *chars* emerge continuously and at the same time erosion and sea ingress, including possibly due to global warming, is changing the shape of islands. A comparison of the toposheet of the area of the 1950s with the

maps available today show that the shapes of a number of islands have changed and newer islands have emerged. We can show this at the time of hearing.

- (e) The floatels, floatforms, etc. will create major disturbances and changes in the water / tidal currents / patterns with possibly disastrous consequences on the ecology of the Sunderbans, including (is)land building process.
- (f) We understand that no modelling studies have been carried out to determine the effect of the various speed boats, jetties, floatels, floatforms, etc. on *inter alia* water / tidal currents / patterns and (is)land building process, which would *inter alia* affect the forests and wildlife, i.e. apparently no modelling studies for speed boats, jetties, floatels, floatforms, etc. that will affect the ecology and environment of the Sunderbans has been carried.

We submit that given the above the project should ~~not~~ have been rejected.

3. Ecology :

- (a) The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Marsh lands are ecologically highly productive areas. Development of coastal marsh land will have a long term adverse effect on the ecology.
- (b) The Executive Summary lists the various activities that will have long term effects on wildlife during the construction phase of the project and the various activities that will have a negative impact on wildlife during the operation phase. Annexed are the same. A perusal of the same is in itself sufficient grounds for rejecting this proposal.
- (c) Crocodile farms are proposed. It is not understood why this is required here and what is the purpose of the same. It also cannot be termed as in-situ conservation.
- (d) At the public hearing it was stated that crab farming of edible crabs will be encouraged of seven specific species. Introduction of new species in an ecologically sensitive area will impact on the ecosystem. As per information, there are no crab hatcheries in Bengal, so the eggs will have to be collected in the same way as is currently being done for shrimp/meen. At present there is one species of crab that is commercially exploited by the fishermen, viz. *Scylla serrata* (mud crab). These are caught for their own consumption and the local market. There is no export market for this and this has been confirmed by the Fisheries Department.
- (e) Tiger rescue centre is proposed of tigers from circuses. This is introduction of a species that is at the top of a food chain in an ecologically sensitive area. Tigers, other than the Royal Bengal Tiger, are not native to this area and the weather conditions, terrain and the lack of sweet water in the Sunderbans is likely to be stressful to them. A Tiger rescue centre of tigers from circuses is, at best, a bad idea. There is also a likely threat to the gene pool of the Royal Bengal Tiger.
- (f) At the public hearing there was no reply when questions were asked as to what would be the impact of the project on the breeding sites of the Olive Ridelys at Sagar and Gangasagar.
- (g) At the public hearing there was no reply when it was pointed out that mangroves should not be planted at Sagar and Gangasagar as it would interfere with the breeding of the Olive Ridleys. It was further pointed out that in Bhitarkanika Sanctuary the casurina

plantations had to be removed as they interfered with the breeding.

- (h) Any artificial light at night, however dim or diffused, will disorient the Olive Ridely fledglings. Research shows that they are attracted to the water by the shining of the stars in it. Any artificial light, however dim or diffused, will give more light than stars shining in the water and will disorient the fledglings.
- (i) Gangasagar Island is the habitat of the horseshoe crab, an endangered species. The proposed project will interfere and cause further threat and damage to its habitat.

We submit that based on ecological consideration alone the project should have been rejected.

4. Marine ecology :

- (a) It is not possible to control pollution of various types, including oil, grease, solvents, detergents and solid waste, from use and maintenance of boats, floatels, floatforms, ethnic boats, etc. These pollutants will eventually find their way into the waters in the Sunderbans, directly or indirectly.
- (b) Despite all directions by various Ministries, Departments, Authorities and Agencies, and measures adopted by industries, marine pollution due to human activity exists and cannot be wished away.
- (c) Monitoring marine pollution is an extremely difficult task, especially when the source of pollution is not in a fixed place.
- (d) A proposed land hub and a proposed water hub are in a proposed Marine National Park. These will irreversibly harm and damage the marine ecology.
- (e) One of the proposed water hubs is 14 nautical miles south-west of Gangasagar and would be in one of the richest fishing areas of the country where fishing boats from all over India come for fishing. The water hub will disturb the marine ecology of the area and also affect the livelihoods of fishermen from all over India.
- (f) The floatels, floatforms, etc. will create major disturbances and changes in the water / tidal currents / patterns with possibly disastrous consequences on the ecology of the Sunderbans, including (is)land building process.

We submit that the risk and threat to the marine ecology due to this project is far too great and will effect the entire ecology and environment of the Sunderbans. The Long Sand Island hubs will affect the social and socio-economic life of fishermen from all over India. We submit that it is too great a threat and risk to take and hence the project should have been rejected on this ground.

5. Coastal Regulation Zone (CRZ) notification :

- (a) The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Use of coastal salt marsh land is not permitted and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
- (b) The Executive Summary *inter alia* states under Recommendations for Soil Environment Improvement and Land Use Pattern that 'Appropriate land disposal of dredged material will be done ...'. Dredging is proposed and is prohibited for the proposed activity under

the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.

- (c) All the land based sites have lands that are partially or wholly within CRZ [the location of the lands proposed to be developed in Lower Long Sand Island could not be ascertained; in any event it is part of a proposed Marine National Park] (source : West Bengal Coastal Zone Management Plan, Executive Summary, lands earmarked for acquisition as per villagers during our team's site visit and markings and theodolite points made by Sahara as pointed out by the villagers).
- (d) The project would need to set up mechanisms for disposal of waste and effluents. This is prohibited under paragraph 2(iv) of the notification.
- (e) The project envisages reclamation (source : Executive Summary, under heading Recommendations for Soil Environment Improvement and Land Use Pattern). This is a prohibited activity for the proposed project under paragraph 2(viii) of the notification.
- (f) The project requires drawal of groundwater. Considering the present ground water situation and acute shortage of potable water in the Sunderbans, permission for groundwater drawal for such projects should not be granted by the relevant authority. This permission is still awaited. The Committee should not have considered this project till the relevant permission from the ground water board / authority had been obtained.
- (g) The Hindustan Coca Cola Co. filed a case against the local Panchayat stopping in the Kerala High Court as the Panchayat prohibited the company from drawing ground water. The Court upheld the action of the Panchayat and held that the company can draw only that much water as would be required to irrigate crops on the land held by the company. Hence ground water is no longer being seen as a free commodity to be exploited by one particular person to the detriment of others.
- (h) Topography will be affected (source : Executive Summary, under Environment Impact Matrix [Construction phase]). This is not permissible under paragraph 2(xiii) of the notification.
- (i) The proposed project, except the jetties, do not require waterfront and foreshore facilities. Hence the project cannot be given clearance under paragraph 3(1) of the notification.
- (j) No new construction activity is permissible in CRZ-I as per paragraph 6(2) of the notification. Sunderbans is classified as CRZ-I in the Coastal Zone Management Plan of West Bengal as per paragraph 6(1) of the notification. The lands at every land hub and the two water hubs at Chaltabunia creek and off Koikhali fall either completely or partially within the CRZ.
- (k) Paragraph 7(1)(ix) of the notification stipulates that public access to the beach in CRZ-III areas shall not be more than 500 m. apart. While the project sites are admittedly in CRZ-I area, the spirit of public access should also be followed here. The proposed continuous waterfront to be acquired in all places exceeds 500 m. Thus, the spirit of public access to the waterfront as envisaged in the notification is violated.
- (l) As per paragraph 7(2) construction of beach resorts / hotels in ecologically sensitive areas is not permitted; Sunderbans is a known ecologically sensitive area. Hence none of the land based hubs and the two water hubs at Chaltabunia creek and off Koikhali can be permitted under the CRZ notification. On this ground alone the project should have

been rejected.

- (m) The water based hubs at Chaltabunia creek and off Koikhali are also subject to CRZ regulations.
 - (i) Paragraph 1(ii) of the notification as amended vide S. O. 550 (E) dated 21 May 2002 *inter alia* states

“The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks, and backwaters ...”
 - (ii) Hence CRZ applies to both sides of the HTL, i.e. the landward side and the water body side.
 - (iii) The water based hubs are in creeks of width around 200 m. If the hub falls within 100 m. of the HTL, which it is bound to, it is subject to provisions of the CRZ notification.
- (n) No clearance under the CRZ notification has been obtained from the West Bengal Coastal Zone Management Authority. Based on this alone the Expert Committee for EIA should not have considered this proposal at this stage.

We submit that given the above, the project could not and should not have been cleared.

6. Land Use and development :

- (a) The West Bengal State Coastal Zone Management Authority has *inter alia* to date not prepared what they were mandated to prepare, viz.
 - (i) Area Specific Management Plan for Sunderbans
 - (ii) Integrated Coastal Zone Management Plan for Sunderbnas
- (b) A Master Plan for the development of the non forest areas of Sunderbans has not been prepared by the West Bengal Government.
- (c) There are no Plans of any kind that would regulate the development of the ecologically sensitive Sunderbans.
- (d) The developments of Sahara’s Amby Valley in Pune District, Maharashtra, did not adhere to and conform with the existing rules and regulations. The project was given *post facto* clearance after the Government of Maharashtra issued a notification making such kinds of development possible.

The project, along with the other infrastructure developments taking place, will change the land use and development pattern of the Sunderbans. Major projects that will affect the ecology, environment, including social and socio-economic, cannot and should not be cleared till all Plans for the area are sanctioned.

7. Socio-economics :

- (a) We understand that no modelling studies have been carried out to determine the effect of the various speed boats, jetties, floatels, floatforms, etc. on *inter alia* water / tidal patterns / currents and (is)land building process which would *inter alia* affect local fishing patterns and thereby local livelihood.

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- (b) It was stated during the public hearing that fishing will not be permitted in the creeks where Sahara's boats will ply. This will have a tremendous impact on the local fishing communities; the economy of Sunderbans is primarily based on fishing.
- (c) Some villagers mentioned that they have been told that 5% of the profits will be utilised for socio-economic development.
 - (i) It is today not known which Sahara company makes any profit. General public perception is that all Sahara companies are running in a loss.
 - (ii) Sahara's Amby Valley project in Pune District, Maharashtra, is, *prima facie*, still not making a profit even after over 5 years as there are apparently no takers for their houses even on time share basis; the minimum cost of 'citizenship' at Amby Valley for a time share of 45 days a year for 15 years is Rs. 1.94 crores and goes as high as Rs. 3.38 crores. We can show Sahara's Amby Valley brochure at the time of personal meeting.

8. Social :

- (a) The Environment Impact Matrix (Construction phase) in the Executive Summary *inter alia* states that there will be a long term social impact due to displacement. Yet no rehabilitation of project affected persons is part of the EIA. Profit for private enterprise is a priority over social concerns.
- (b) We spoke to villagers at all the land sites, excluding Lower Long Sand Island, and they all said, without exception, that they have no place to go if they are evicted. Those about 150 families that temporarily reside in Lower Long Sand Island are those who have been evicted from Jambudwip.
- (c) Villagers at all land sites, excluding Lower Long Sand Island, said that if they were evicted they do not know what alternate means of livelihood they will pursue.
- (d) Villagers at Koikhali said that some of them have been evicted once and have settled here. Now they will be evicted again. One of them quite poetically said that they no longer know which part of mother earth belongs to them, if at all.
- (e) Fishermen who said they use Lower Long Sand Island for fishing and drying activities said they do not know what they will do if they are not allowed to continue fishing and fish drying there.
- (f) That the project does not fit into the environment of the Sunderbans is evident from a statement, we understand, in the EIA / Project Proposal that there may be opposition to this project and the WBPCB should take steps and hold public meetings to assure and educate the public of the need / necessity / positive benefits of this project. This has not been done. On the contrary, villagers have said that MLAs have threatened them with consequences if they do not co-operate and have told them that they will have to vacate the land.

From the above it is evident that the project will not have any positive social and socio-economic benefits.

9. Ecotourism :

- (a) It is not understood how this project is being considered as an eco-tourism project when the local populations will be evicted and their very means and source of livelihood is

threatened. The project affected are also not to be rehabilitated within their known profession and way of life.

- (b) The Memorandum of Agreement signed between Sahara and Government of West Bengal on 28-11-03 at Writers Building states that 'no new agency will be permitted to do something similar without permission of the West Bengal Government'. Hence other enterprises will *inter alia* not be able to take tourists on boats. This amounts to monopoly and is challengeable. It is also not understood how this is permitted in the present free market and free trade scenario in the country.
- (c) This project does not involve the Fisheries Department and marginally involves the Forest Department, the two largest Departments functioning in this area.
- (d) Almost all the facilities being provided are those that can be provided elsewhere and does not need or require the Sunderbans.

This project cannot be considered an ecotourism project under any circumstances.

10. Other points :

- (a) If this project is to be executed, to which we strongly object, permission for development of project sites and floating centres should also be taken from the Fisheries Department, and not just the Forest Department (source : Executive Summary).
- (b) It is not understood how this project is considered as a Joint Venture between the West Bengal Government and Sahara. Just because there is to be one Director out of seven in the proposed Board of the proposed Joint Venture company does not mean that the project is a Joint Venture. The Government of West Bengal will have little or no say in the management and running of the company as there will only be one Director of the State Government and he will be outnumbered six to one.
- (c) It was mentioned at the public hearing that a scuba diving centre will be set up at Sagar / Gangasagar. This shows the lack of knowledge of local conditions by the project proponents.
- (d) The Environment Impact Matrix (Construction phase) and the Environment Impact Matrix (Operation phase) of the Executive Summary are annexed. Based on these alone the project should have been rejected.
- (e) We are not aware of the estimates made, if any, of the quantity of water that will be required. It appears that rainwater harvesting is proposed in the EIA without giving any details. It is not clear what methods and techniques would be used for harvesting rain water. Also what percentage of the required water will be harvested and whether or not these estimates are practical given the amount of land, methods and practices and the rainfall.

11. Villagers say :

- (a) Villagers at L-Plot and Gangasagar are not planting watermelons this season as they fear that they will not be permitted by Sahara and the Government to reap the fruits of their labour. As a result they will face great financial uncertainty in the near future.
- (b) One villager stated that he had 40 coconut saplings but was not going to plant them as he did not know where he would be by the end of this year.

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- (c) Another villager stated that, around Durga Puja time in 2003, when they asked Sahara's representative how much Sahara would pay for a mature coconut tree if and when they purchase the land, Sahara's representative said Rs. 20 (Rupees Twenty only). This shows the level and extent of Sahara values and understanding.
- (d) The villagers were bitter that the State Government has no money, yet they have enough to make a detail survey of their holdings and houses, including with respect to the kind and quality of construction, and take video shootings of their property and houses. They felt targeted by the State Government due to, what they perceived to be, their under-privileged status.
- (e) Villagers stated that, being largely uneducated, they would not get any jobs with Sahara, or at least none of any consequence.
- (f) Villagers stated that they will eventually not receive any benefits from this project and that their estimate is that this project will ruin them.
- (g) The Block Development Officer under whose jurisdiction L-Plot is has apparently received a letter signed by 65 villagers that they do not want the Sahara project.

We submit that it is the moral duty of this Committee and the State Government to reassure people that they should go ahead with planting of crops and that they would be allowed to reap the harvest without fear of eviction.

We request that clearance to this project by your Committee be re-examined and re-assessed in light of our submissions above.

We request for a personal meeting to discuss the above and related issues.

If your Committee is not inclined to re-examine and re-assess the clearance granted, we request you to kindly forward this letter to the Chief Secretary and other concerned Departments with your comments, notes and observations.

We request for a copy of the clearance letter issued by your Committee and / or extract of the minutes of the meeting in which this project was discussed.

We request for and would appreciate a reply.

Thanking you.

Yours sincerely,

cc : All Members of the Expert Committee

March 15, 2004

Mr. Prabuddha Nath Roy
Chairman
Expert Committee for Environmental Impact Assessment
and
Member
State Planning Board
Government of West Bengal
Writers Building
Kolkata 700 001.

Dear Mr. Roy,

Re: Sunderbans

By way of introduction, we are a non-profit environmental NGO ~~operating since 1979~~. We have been and are represented on a number of Committees of the Central Government and the Government of Maharashtra.

We were on the Coastal Zone Task Force of the Ministry of Environment & Forests that approved the Coastal Zone Management Plans of all coastal States and Union Territories.

We have interacted and have had many meetings with the Governor of West Bengal, Government of West Bengal and Municipal Commissioner, Kolkata Municipal Corporation, on heritage regulations and declaration of hill stations as environmentally / ecologically sensitive areas.

The importance and uniqueness of the Sunderbans is too well known for us to repeat and reiterate.

Sunderbans are rapidly being opened up for development and infrastructure development is progressing rapidly. Some of the developments are :

1. A Kolkata to Basanti Expressway is planned.
2. The bridge from Sonakhali to Basanti is almost complete.
3. A number of roads leading to the Sunderbans have been upgraded as National Highways / State Highways.
4. A very large tourism project of over Rs. 500 crores spread over 5 islands with hubs, floatels, floating platforms, etc. on many creeks / waterways is planned.
5. Islands, possibly the uninhabited ones, are proposed to be given to foreign companies operating in Haldia.

Once the Sonakhali to Basanti bridge is completed, Jharkhali will be easily accessible by road. It is also one of the places identified for development in the proposed mega tourism project. Jharkhali is visited by tigers and the last sighting reported by the villagers was on 4 January 2004.

Notification no. S. O. 25(E) dated 4 January 2002 of the Ministry of Environment & Forests *inter alia* states that the West Bengal State Coastal Zone Management Authority :

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- a) At point IV : ‘shall identify ecologically sensitive areas in the Coastal Regulation Zone and formulate area specific management plans for such identified areas’.
- b) At point V : ‘shall identify coastal areas highly vulnerable to erosion or degradation and formulate area specific management plans for such identified areas’.
- c) At point VI : ‘shall identify economically important stretches in Coastal Regulation Zone and prepare Integrated Coastal Zone Management Plans for the same’.

Sunderbans satisfies the criteria of ecologically sensitive, is experiencing erosion on many islands and is economically important.

We understand that the West Bengal State Coastal Zone Management Authority has not prepared Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans.

As per our information and belief no plan of any kind or nature for the non forest areas of Sunderbans exists.

We believe and understand that the State Government has not sought approval of your Committee for the various projects that would impact on the Sunderbans, including infrastructure projects, which, as per our understanding, they should have.

We further believe and understand that the State Government has not sought approval of the Ministry of Environment & Forests for the various projects, including infrastructure projects, that would impact on the Sunderbans as per the Ministry’s notification no. S. O. 60(E) dated 27 January 1994. We request you to kindly bring this to the attention of the State Government.

We also request you to kindly ask the State Government to prepare a Master Plan for the Sunderbans and the West Bengal Coastal Zone Management Authority to prepare the Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans, before sanctioning and/or implementing projects that will impact on it, and before the rapid and large scale developments cause irreparable and irreversible damage and harm to the ecology and environment of this unique area.

We strongly suggest and request that pending the preparation and approval of the Master Plan, Area Specific Management Plan and Integrated Coastal Zone Management Plan for the Sunderbans, no projects in the Sunderbans should be approved by your Committee.

We request for a personal meeting to discuss the above and related issues.

Thanking you.

Yours sincerely,

April 22, 2004

Mr. A K Patnaik
Principal Secretary
Environment Department
Government of West Bengal
Writers Building
Kolkata 700 001.

Dear Mr. Patnaik,

**Re: Environmental clearance to tourism project in Sunderbans of Sahara India
Tourism Development Corporation**

We request you to kindly consider what is stated herein while considering all clearances, including NOC of the Pollution Control Board, environmental clearance and clearance under the Coastal Regulation Zone by the West Bengal State Coastal Zone Management Authority, all of which we understand are under you.

1. EIA process not followed :

- (a) Paragraph (4) of Schedule IV of Notification no. S. O. 60(E) dated 27 January 1994 of the Ministry of Environment & Forests stipulates that access shall be given to the concerned persons to the Executive Summary and Environment Impact Assessment (EIA) report.
 - (i) Access to the reports was not provided to all those who asked for them.
 - (ii) Apparently 20 copies of the Executive Summary and EIA report were not made available to the West Bengal State Pollution Control Board as per the notification.
 - (iii) Apparently copies of the EIA in Bengali have not been made available and only a few copies of the Executive Summary have been made available in Bengali.
 - (iv) In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was not considered as having been undertaken till the EIA was provided in Hindi (the local language).
- (b) The last proviso of Paragraph 2)1.(a) of the notification stipulates that in case of pipelines and highways that pass through multiple Districts, a public hearing shall be held in each District.
 - (i) We submit that the notification is on the basis that there is only one site per project.
 - (ii) Where the notification envisages that the project is not specific to a single site, it mandates multiple public hearings.
 - (iii) Keeping with the spirit of the notification, a public hearing should have been held at 5 of the 6 project sites, viz. Gangasagar, Frazergunj, L-Plot, Kaikhali and Jharkhali. Lower Long Sand Island is Reserve Forest and has apparently no permanent habitation.

- (iv) A public hearing was held in a location that is not one of the project sites and the time taken to travel from each of the various project sites to the place of hearing takes between 2 to 6 hours. Hence true public participation by the resident stakeholders was missing.
- (v) In Nalgonda, Andhra Pradesh, the Court ordered another public hearing as the site chosen for the public hearing was too far from the affected villages. Two public hearings were conducted on the same day taking into consideration the accessibility of villagers. The complete EIA of this uranium mining project was made available to the public.
- (vi) In case of Karcham Wangtoo Hydropower Project, Himachal Pradesh, the public hearing was conducted thrice. The first time it was held that there was lack of adequate circulation of the newspaper in which the public notice was given. The second time only the Executive Summary was made available in the local language. Hence a third public hearing was conducted.
- (c) The EIA was not available at the time of public hearing.
- (d) We did not find evidence of newspapers being widely circulated and read in the remote project sites, such as L-Plot, Kaikhali and Jharkhali. In keeping with the spirit of the notification the public hearing should have been locally publicised, possibly by use of loudspeakers, as is done for the pulse polio drive. This was not done.
- (e) We would like to draw your attention to the case of Center for Social Justice vs Union of India & Ors. (AIR 2001 Gujarat 71). The Gujarat High Court *inter alia* held :
 - (i) That the venue of the public hearing should be as near as possible to the site of the proposed project
 - (ii) The Pollution Control Board shall send a copy of the public notice to the Gram Panchayat of each of the villages likely to be affected by the project to bring it to the notice of the people likely to be affected.
 - (iii) Summary of EIA should be available locally in the local language.
 - (iv) A copy of the EIA should be made available within one week on payment of reasonable fee, if asked for.
 - (v) Minutes of the public hearing shall be furnished within a fortnight on payment of a reasonable fee, if asked for.
 - (vi) It is up to the Pollution Control Board to decide how many public hearings are required based on facts and circumstances of the case.
 - (vii) The gist of clearance granted shall be published in the same newspapers in which the public notice was published.
 - (viii) The Pollution Control Board can charge the project proponents for holding public hearings.
- (f) Only a Rapid EIA has been done (source : Memorandum of Agreement, 28-11-03) of a project of this size, scale and magnitude in a known ecologically sensitive area. On this ground alone the project should have been rejected as a comprehensive EIA is required.

- (g) The EIA was conducted by the same consultants who did the Project Report. This would seem to be a conflict of interest and would potentially affect the objectiveness and quality of the EIA.

We submit that the EIA's public hearing process and procedure was faulty and inadequate and on this ground alone the proposed project should not be considered for approval.

2. Ecological sensitivity :

- (a) At the XXI meeting of the Indian Board of Wild Life held on 21 January 2002 under the Chairmanship of the Hon'ble Prime Minister a number of decisions were taken. One of them was that areas within 10 km. of national parks, sanctuaries and wildlife corridors should be treated as ecologically sensitive. Enclosed are copies of the text of the letters issued by the Secretary, Ministry of Environment & Forests, and Additional DIG (Wildlife) dated 1 February 2002 and 5 February 2002 respectively, addressed to all Chief Secretaries and Chief Wildlife Wardens respectively.
- (i) Frazergunj, L-Plot, Koikhali, Jorkhali, Pitt's Creek and Creek off Koikhali, fall within 10 km. of a national park or sanctuary or its buffer zone or in a wildlife corridor.
- (ii) Lower Long Sand Island is within the proposed Sagar Marine National Park.
- (iii) Hence, as per the decision of the Indian Board of Wild Life at its XXI meeting chaired by the Hon'ble Prime Minister, all sites (except Gangasagar) are to be treated as ecologically sensitive. This does not appear to have been taken into consideration.
- (b) Sunderbans is a globally recognised ecologically sensitive area of international importance, and has even been recognised as such by the West Bengal Government, including in the Coastal Zone Management Plan.
- (c) Sunderbans has been categorised as CRZ-I (ecologically sensitive area) in the Coastal Zone Management Plan of West Bengal. Hence ALL the project sites are in ecologically sensitive areas.
- (d) Sunderbans is geologically active as new islands and *chars* emerge continuously and at the same time erosion and sea ingress, including possibly due to global warming, is changing the shape of islands. A comparison of the toposheet of the area of the 1950s with the maps available today show that the shapes of a number of islands have changed and newer islands have emerged. We can show this at the time of hearing.
- (e) The floatels, floatforms, etc. will create major disturbances and changes in the water / tidal currents / patterns with possibly disastrous consequences on the ecology of the Sunderbans, including (is)land building process.
- (f) We understand that no modelling studies have been carried out to determine the effect of the various speed boats, jetties, floatels, floatforms, etc. on *inter alia* water / tidal currents / patterns and (is)land building process, which would *inter alia* affect the forests and wildlife, i.e. apparently no modelling studies for speed boats, jetties, floatels, floatforms, etc. that will affect the ecology and environment of the Sunderbans has been carried.

We submit that given the above the project should be rejected.

3. Ecology :

- (a) The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Marsh lands are ecologically highly productive areas. Development of coastal marsh land will have a long term adverse effect on the ecology.
- (b) The Executive Summary lists the various activities that will have long term effects on wildlife during the construction phase of the project and the various activities that will have a negative impact on wildlife during the operation phase. Annexed are the same. A perusal of the same is in itself sufficient grounds for rejecting this proposal.
- (c) It appears that enough draught does not exist for all the water based transport vessels proposed to be used. Hence dredging is proposed. This will have a tremendous impact on the ecology of the Sunderbans and should not be permitted.
- (d) At the public hearing :
 - (i) it was stated that crab farming of edible crabs will be encouraged of seven specific species. Introduction of new species in an ecologically sensitive area will impact on the ecosystem. As per information, there are no crab hatcheries in Bengal, so the eggs will have to be collected in the same way as is currently being done for shrimp/meen. At present there is one species of crab that is commercially exploited by the fishermen, viz. *Scylla serrata* (mud crab). These are caught for their own consumption and the local market. There is no export market for this and this has been confirmed by the Fisheries Department.
 - (ii) there was no reply when it was pointed out that mangroves should not be planted at Sagar and Gangasagar as it would interfere with the breeding of the Olive Ridleys. It was further pointed out that in Bhitarkanika Sanctuary the casurina plantations had to be removed as they interfered with the breeding.
 - (iii) there was no reply when questions were asked as to what would be the impact of the project on the breeding sites of the Olive Ridelys at Sagar and Gangasagar.
- (e) Tiger rescue centre is proposed of tigers from circuses. This is introduction of a species that is at the top of a food chain in an ecologically sensitive area. Tigers, other than the Royal Bengal Tiger, are not native to this area and the weather conditions, terrain and the lack of sweet water in the Sunderbans is likely to be stressful to them. A Tiger rescue centre of tigers from circuses is, at best, a bad idea. There is also a likely threat to the gene pool of the Royal Bengal Tiger.
- (f) Any artificial light at night, however dim or diffused, will disorient the Olive Ridely fledglings. Research shows that they are attracted to the water by the shining of the stars in it. Any artificial light, however dim or diffused, will give more light than stars shining in the water and will disorient the fledglings.
- (g) Gangasagar Island is the habitat of the horseshoe crab, an endangered species. The proposed project will interfere and cause further threat and damage to its habitat.
- (h) Crocodile farms are proposed. It is not understood why this is required here and what is

the purpose of the same. It also cannot be termed as in-situ conservation.

We submit that based on ecological consideration alone the project should be rejected.

4. Marine ecology :

- (a) It is not possible to control pollution of various types, including oil, grease, solvents, detergents and solid waste, from use and maintenance of boats, floatels, floatforms, ethnic boats, etc. These pollutants will eventually find their way into the waters in the Sunderbans, directly or indirectly.
- (b) Despite all directions by various Ministries, Departments, Authorities and Agencies, and measures adopted by industries, marine pollution due to human activity exists and cannot be wished away.
- (c) Monitoring marine pollution is an extremely difficult task, especially when the source of pollution is not in a fixed place.
- (d) A proposed land hub and a proposed water hub are in a proposed Marine National Park. These will irreversibly harm and damage the marine ecology.
- (e) One of the proposed water hubs is 17 nautical miles south-west of Gangasagar and would be in one of the richest fishing areas of the country where fishing boats from all over India come for fishing. The water hub will disturb the marine ecology of the area and also affect the livelihoods of fishermen from all over India.
- (f) The floatels, floatforms, etc. will create major disturbances and changes in the water / tidal currents / patterns with possibly disastrous consequences on the ecology of the Sunderbans, including (is)land building process.

We submit that the risk and threat to the marine ecology due to this project is far too great and will effect the entire ecology and environment of the Sunderbans. The Long Sand Island hubs will affect the social and socio-economic life of fishermen from all over India. We submit that it is too great a threat and risk to take and hence the project should be rejected on this ground.

5. Coastal Regulation Zone (CRZ) notification :

- (a) The Executive Summary *inter alia* states under Ecology that 'Coastal salt marsh or cultivated land were demarcated primarily for the proposed development sites'. Use of coastal salt marsh land is not permitted and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
- (b) The Executive Summary *inter alia* states under Recommendations for Soil Environment Improvement and Land Use Pattern that 'Appropriate land disposal of dredged material will be done ...'. Dredging is proposed and is prohibited for the proposed activity under the Coastal Regulation Zone notification of the Ministry of Environment & Forests dated 19-02-1991, as amended.
- (c) All the land based sites have lands that are partially or wholly within CRZ [the location of the lands proposed to be developed in Lower Long Sand Island could not be ascertained; in any event it is part of a proposed Marine National Park] (source : West Bengal Coastal Zone Management Plan, Executive Summary, lands earmarked for acquisition as per villagers during our team's site visit and markings and theodolite points made by Sahara as pointed out by the villagers).

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- (d) The project would need to set up mechanisms for disposal of waste and effluents. This is prohibited under paragraph 2(iv) of the notification.
- (e) The project envisages reclamation (source : Executive Summary, under heading Recommendations for Soil Environment Improvement and Land Use Pattern). This is a prohibited activity for the proposed project under paragraph 2(viii) of the notification.
- (f) Jetties are proposed to be constructed. There are mangroves at L-Plot, Kaikhali and Jharkhali and jetties would have to be constructed through this CRZ-I area. This is not permitted.
- (g) The project requires drawal of groundwater. Considering the present ground water situation and acute shortage of potable water in the Sunderbans, permission for groundwater drawal for such projects should not be granted by the relevant authority. This permission is still awaited. The Committee should not consider this project till the relevant permission from the ground water board / authority has been obtained.
- (h) The Hindustan Coca Cola Co. filed a case against the local Panchayat in the Kerala High Court as the Panchayat prohibited the company from drawing ground water. The Court upheld the action of the Panchayat and held that the company can draw only that much water as would be required to irrigate crops on the land held by the company. Hence ground water is no longer being seen as a free commodity to be exploited by one particular person to the detriment of others.
- (i) Topography will be affected (source : Executive Summary, under Environment Impact Matrix [Construction phase]). This is not permissible under paragraph 2(xiii) of the notification.
- (j) The proposed project, except the jetties, does not require waterfront and foreshore facilities. Hence the project cannot be given clearance under paragraph 3(1) of the notification.
- (k) No new construction activity is permissible in CRZ-I as per paragraph 6(2) of the notification. Sunderbans is classified as CRZ-I in the Coastal Zone Management Plan of West Bengal as per paragraph 6(1) of the notification. The lands at every land hub and the two water hubs at Pitt's creek and off Kaikhali fall either completely or partially within the CRZ.
- (l) Paragraph 7(1)(ix) of the notification stipulates that public access to the beach in CRZ-III areas shall not be more than 500 m. apart. While the project sites are admittedly in CRZ-I area, the spirit of public access should also be followed here. The proposed continuous waterfront to be acquired in all places exceeds 500 m. Thus, the spirit of public access to the waterfront as envisaged in the notification is violated.
- (m) As per paragraph 7(2) construction of beach resorts / hotels in ecologically sensitive areas is not permitted; Sunderbans is a known ecologically sensitive area. Hence none of the land based hubs and the two water hubs at Pitt's creek and off Kaikhali can be permitted under the CRZ notification. On this ground alone the project should be rejected.
- (n) The water based hubs at Pitt's creek and off Kaikhali are also subject to CRZ regulations.
 - (i) Paragraph 1(ii) of the notification as amended vide S. O. 550 (E) dated 21 May

2002 *inter alia* states

“The distance from the High Tide Line shall apply to both sides in the case of rivers, creeks, and backwaters ...”

- (ii) Hence CRZ applies to both sides of the HTL, i.e. the landward side and the water body side.
- (iii) The water based hubs are in creeks of width around 200 m. If the hub falls within 100 m. of the HTL, which it is bound to, it is subject to provisions of the CRZ notification.

We submit that given the above, the project could not and should not have been cleared.

6. Land Use and development :

- (a) The West Bengal State Coastal Zone Management Authority has *inter alia* to date not prepared what they were mandated to prepare, viz.
 - (i) Area Specific Management Plan for Sunderbans
 - (ii) Integrated Coastal Zone Management Plan for Sunderbans
- (b) A Master Plan for the development of the non forest areas of Sunderbans has not been prepared by the West Bengal Government.

The project, along with the other infrastructure developments taking place, will change the land use and development pattern of the Sunderbans. Major projects that will affect the ecology, environment, including social and socio-economic, cannot and should not be cleared till all Plans for the area are sanctioned.

7. Socio-economics :

- (a) We understand that no modelling studies have been carried out to determine the effect of the various speed boats, jetties, floatels, floatforms, etc. on *inter alia* water / tidal patterns / currents and (is)land building process which would *inter alia* affect local fishing patterns and thereby local livelihood.
- (b) It was stated during the public hearing that fishing will not be permitted in the creeks where Sahara's boats will ply. This will have a tremendous impact on the local fishing communities; the economy of Sunderbans is primarily based on fishing.
- (c) Some villagers mentioned that they have been told that 5% of the profits will be utilised for socio-economic development.
 - (i) It is today not known which Sahara company makes any profit. General public perception is that all Sahara companies are running in a loss.
 - (ii) Sahara's Amby Valley project in Pune District, Maharashtra, is, *prima facie*, still not making a profit even after over 5 years as there are apparently no takers for their houses even on time share basis; the minimum cost of 'citizenship' at Amby Valley for a time share of 45 days a year for 15 years is Rs. 1.94 crores and goes as high as Rs. 3.38 crores. We can show Sahara's Amby Valley brochure at the time of personal meeting.

8. Social :

- (a) The Environment Impact Matrix (Construction phase) in the Executive Summary *inter alia* states that there will be a long term social impact due to displacement. Yet no rehabilitation of project affected persons is part of the EIA. Profit for private enterprise is a priority over social concerns.
- (b) We spoke to villagers at all the land sites, excluding Lower Long Sand Island, and they all said, without exception, that they have no place to go if they are evicted. Those about 150 families that temporarily reside in Lower Long Sand Island are those who have been evicted from Jambudwip.
- (c) Villagers at all land sites, excluding Lower Long Sand Island, said that if they were evicted they do not know what alternate means of livelihood they will pursue.
- (d) Villagers at Koikhali said that some of them have been evicted once and have settled here. Now they will be evicted again. One of them quite poetically said that they no longer know which part of mother earth belongs to them, if at all.
- (e) Fishermen who said they use Lower Long Sand Island for fishing and drying activities said they do not know what they will do if they are not allowed to continue fishing and fish drying there.
- (f) That the project does not fit into the environment of the Sunderbans is evident from a statement, we understand, in the EIA / Project Proposal that there may be opposition to this project and the WBPCB should take steps and hold public meetings to assure and educate the public of the need / necessity / positive benefits of this project. This has not been done. On the contrary, villagers have said that MLAs have threatened them with consequences if they do not co-operate and have told them that they will have to vacate the land.

From the above it is evident that the project will not have any positive social and socio-economic benefits.

9. Ecotourism :

- (a) It is not understood how this project is being considered as an eco-tourism project when the local populations will be evicted and their very means and source of livelihood is threatened. The project affected are also not to be rehabilitated within their known profession and way of life.
- (b) The Memorandum of Agreement signed between Sahara and Government of West Bengal on 28-11-03 at Writers Building states that 'no new agency will be permitted to do something similar without permission of the West Bengal Government'. Hence other enterprises will *inter alia* not be able to take tourists on boats. This amounts to monopoly and is challengeable. It is also not understood how this is permitted in the present free market and free trade scenario in the country.
- (c) This project does not involve the Fisheries Department and marginally involves the Forest Department, the two largest Departments functioning in this area.
- (d) Almost all the facilities being provided are those that can be provided elsewhere and does not need or require the Sunderbans.
- (e) Apparently a study conducted by the Environment Department states that the carrying

capacity of Sunderbans is about 125,000 tourists per year. Already about 50,000 tourists visit the Sunderbans. Apparently the number of tourists will exceed the carrying capacity if this project is sanctioned.

This project cannot be considered an ecotourism project under any circumstances.

10. Other points :

- (a) If this project is to be executed, to which we strongly object, permission for development of project sites and floating centres should also be taken from the Fisheries Department, and not just the Forest Department (source : Executive Summary).
- (b) It is not understood how this project is considered as a Joint Venture between the West Bengal Government and Sahara. Just because there is to be one Director out of seven in the proposed Board of the proposed Joint Venture company does not mean that the project is a Joint Venture. The Government of West Bengal will have little or no say in the management and running of the company as there will only be one Director of the State Government and he will be outnumbered six to one.
- (c) It was mentioned at the public hearing that a scuba diving centre will be set up at Sagar / Gangasagar. This shows the lack of knowledge of local conditions by the project proponents.
- (d) The Environment Impact Matrix (Construction phase) and the Environment Impact Matrix (Operation phase) of the Executive Summary are annexed. Based on these alone the project should have been rejected.
- (e) We are not aware of the estimates made, if any, of the quantity of water that will be required. It appears that rainwater harvesting is proposed in the EIA without giving any details. It is not clear what methods and techniques would be used for harvesting rain water. Also what percentage of the required water will be harvested and whether or not these estimates are practical given the amount of land, methods and practices and the rainfall.

11. Villagers say :

- (a) Villagers at L-Plot and Gangasagar are not planting watermelons this season as they fear that they will not be permitted by Sahara and the Government to reap the fruits of their labour. As a result they will face great financial uncertainty in the near future.
- (b) One villager stated that he had 40 coconut saplings but was not going to plant them as he did not know where he would be by the end of this year.
- (c) Another villager stated that, around Durga Puja time in 2003, when they asked Sahara's representative how much Sahara would pay for a mature coconut tree if and when they purchase the land, Sahara's representative said Rs. 20 (Rupees Twenty only). This shows the level and extent of Sahara values and understanding.
- (d) The villagers were bitter that the State Government has no money, yet they have enough to make a detail survey of their holdings and houses, including with respect to the kind and quality of construction, and take video shootings of their property and houses. They felt targeted by the State Government due to, what they perceived to be, their under-privileged status.

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- (e) Villagers stated that, being largely uneducated, they would not get any jobs with Sahara, or at least none of any consequence.
- (f) Villagers stated that they will eventually not receive any benefits from this project and that their estimate is that this project will ruin them.
- (g) The Block Development Officer under whose jurisdiction L-Plot is has apparently received a letter signed by 65 villagers that they do not want the Sahara project.

We submit that it is the moral duty of this Committee and the State Government to reassure people that they should go ahead with planting of crops and that they would be allowed to reap the harvest without fear of eviction.

We request for a personal meeting to discuss the above and related issues.

We request for and would appreciate a reply.

Thanking you.

Yours sincerely,

B. Letters written to Departments by PUBLIC

Friday, February 13, 2004

Member-Secretary
West Bengal Pollution Control Board
Paribesh Bhavan
10A Block LA, Sector III
Salt Lake City
Calcutta 700 098

Sir:

Sahara Tourism Circuit Project at Sunderbans

We write to put on record the following:

1. We attended the public hearing held by you on January 28, 2004, at the office of the Block Development Officer, Ramganga, P.S. Patharpratima, District 24 Parganas (South).
2. We made several oral submissions at this meeting, among them being:

We did not accept the contention made by the promoters that this is an eco-friendly project; In our view, eco-tourism requires – at the minimum – that the livelihood of local people should not be put at risk. The 5-star tourism that this project aims to promote will cause severe disruption to the lives and livelihood of the local population;

The project has several aspects that will threaten the fragile eco-system of the area. For example, putting a stop to local prawn fishing and switching to crab and oyster culture may cause an ecological imbalance;

“Planting” new mangrove on Sagar Island, as proposed by the project, can cause severe disruption to an area that is a nesting site for the Olive Ridley Turtle.

3. Subsequently, with the limited access to the Project Report and the EIA that we were able to obtain, we are in a position to add the following points to our oral submissions:

The Project Report and the EIA are the work of the same consultants, viz., Modular Consultants. This company is also referred to as the “prime consultant” implying an ongoing role in the project. We see this as a clear conflict of interest, something that calls the entire EIA into question;

Recognising that the Sunderbans have been given the status of a Biosphere Reserve, a National Park, a Project Tiger area and a World Heritage Site – signifying national as well as international importance – a project of this nature needs to be examined in far greater detail. Our main concern is the vulnerability of the unique eco-system of the area for which reason it has been given recognition by so many bodies;

Several aspects of the project pose threats that have not been clearly addressed: how sewage and the huge amount of waste/garbage will be disposed, how power will be generated and distributed in a pollution free way and how high speed catamarans, luxury launches and motorised boats and dancing platforms will affect the pristine atmosphere of the area;

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The proposed Tiger Breeding Centre is highly objectionable and will lead to gene pollution;

The hearing and the report repeatedly talk about entry into the **core area** by large number of tourists; this is absolutely unacceptable and will be subject to challenge at the highest levels;

Clearance of appropriate central government authorities and compliance with international agreements, such as the MARPOL Convention, needs to be obtained.

We would request you to consider these objections as illustrative of the concerns that we have; they are not an exhaustive list. We do hope that you will agree that this project – and any other of this type – should be denied clearance so that the Sunderbans can be protected and preserved.

Sincerely,
For PUBLIC

Bonani Kakkar
President

Copies: Principal Secretary Environment, Government of West Bengal

Monday, March 08, 2004

Member-Secretary
West Bengal Pollution Control Board
Paribesh Bhavan
10A Block LA, Sector III
Salt Lake City
Calcutta 700 098

Sir:

"Public Hearing" - Sahara Tourism Circuit Project at Sunderbans

We would like to place before you our observations in connection with the public hearing conducted by WBPCB on January 28, 2004, in connection with the above project.

1. The proposed project is multi-locational, yet the hearing was held in only one place. Our understanding is that the project proposes major activities, such as construction and/or other types of 'development', in at least five different sites. These sites stretch from south-western Sunderbans to the mid-eastern parts. If the purpose of holding the hearing in Ramganga was to allow local people to participate, what definition of "local" did the WBPCB have in mind? Certainly people in Sagar and those in Jharkhali would not agree that they live in the same locality!

2. Even if we were to set aside the multiple locations, the public hearing at Ramganga ignored the difficulties of access that people wishing to attend the hearing would have to face. The terrain and the transport options available would require, according to our own first-hand assessment from a field visit made this past week, the following travel time to Ramganga:

from Jharkhali	4-5 hours, one way
From L-Plot	3 hours, one way
From Sagar island	4-5 hours, one way
From Frasergunge	3-4 hours, one way
From Kaikhali	3 hours, one way.

It is obvious that these travel times would require a person to travel an entire day plus spend the night in Ramganga to attend the hearing.

3. Our team found during conversations with villagers in all these locations that most people had not even heard about the public hearing. This is not surprising, considering that two small advertisements were placed in newspapers – and the print medium is hardly read in these areas. When we enquired as to how the government publicises the pulse polio campaign, we were told that people go around with microphones along the creeks and in the villages – and everyone knows about the next pulse polio day.

Our basic point in submitting these observations to you is to emphasise that the process governing the conduct of the public hearing leaves us in doubt as to how much public participation was genuinely sought or allowed.

We hope you will take appropriate action and inform us accordingly.

Sincerely,
For PUBLIC

Bonani Kakkar
President

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C. Supporting letters on relevant Notifications issued by MoEF

S.C. Sharma
Addl. DGF (Wildlife)
Tel. No. 436 2285

D.O. No. 6-2/2002 WL-I

February 5, 2002

A meeting of the Indian Board for Wildlife was held under the Chairmanship of Hon'ble Prime Minister of India on 21st January, 2002.

In the meeting a decision was taken to notify the areas within 10 kms of the boundaries of national parks and sanctuaries and the wildlife corridors as eco-sensitive areas. You may therefore list out such areas and furnish detailed proposals for their notification as eco-sensitive areas under the Environment (Protection) Act.

With regards,

Yours sincerely,

(S.C. Sharma)

Chief Wildlife Warden
Government of

D.O. No.6-2/2002-WL-I

1st February, 2002

Dear

The XXI meeting of the Indian Board for Wild Life was held on 21st January, 2002 under the Chairmanship of the Hon'ble Prime Minister. In his address to the members of the Board the Prime Minister expressed serious concern on the declining status of wildlife protection. He gave a clarion call to the State Governments to end the era of the relative neglect of wildlife conservation and make concerted efforts for effective protection of the natural eco-systems which are so crucial for long term welfare of mankind. After detailed deliberations, the Board adopted "Wildlife Conservation Strategy 2002", a copy of which is enclosed. The salient features of the strategy area:

1. Wildlife and forests should be declared priority sector at the national level with earmarked funds.
2. Field formations of the forest department should be strengthened immediate filling of more than 2000 vacant posts and redeployment of surplus employees in other departments to the forest and wildlife sector. Ban on the recruitment of staff against vacant posts should be lifted on the lines of police department.
3. All the protected areas should be managed by the forest officers trained in wildlife management.
4. Local people should be involved in conservation of forests and wildlife both on voluntary basis and through payment of wages/honorarium.
5. It must be ensured that the people indulging in poaching and illegal trade in wildlife products or destruction of their habitat get quick and deterrent punishment.
6. No diversion of forest land forming part of critically fragile wildlife habitats should be done for non-forestry purposes. Integrity of national parks and sanctuaries is not to be compromised by excluding such areas during the settlement process.
7. Effective measures should be taken to meet the sustenance and livelihood needs of the communities living around national parks and sanctuaries through programmes that are compatible with the objectives of conservation. People should be encouraged to carry out plantation outside government forests.

Hon'ble Prime Minister at this occasion also launched the National Wildlife Action Plan 2002-2016 which outlines areas of concern, strategies and the priority projects that are necessary to achieve the goal of wildlife conservation. A copy of the Action Plan is enclosed for ready reference.

May I request you to initiate immediate action for the implementation of the Wildlife Conservation Strategy 2002 and the National Wildlife Action Plan on priority basis particularly on the issues mentioned.

With regards,

Yours sincerely,

(P. V. JAYAKRISHNAN)

Encl.: as above

To: Chief Secretaries of all states